

109TH CONGRESS
1ST SESSION

H. R. 464

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

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

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 Tribal Federal
5 Recognition Administrative Procedures Act of 2005”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are as follows:

8 (1) To remove the Federal acknowledgment
9 process from the Bureau of Indian Affairs and

1 transfer the responsibility for the process to an inde-
2 pendent Commission on Indian Recognition.

3 (2) To establish a Commission on Indian Rec-
4 ognition to review and act upon documented peti-
5 tions submitted by Indian groups that apply for
6 Federal recognition.

7 (3) To establish an administrative procedure
8 under which petitions for Federal recognition filed
9 by Indian groups will be considered.

10 (4) To provide clear and consistent standards of
11 administrative review of documented petitions for
12 Federal acknowledgment.

13 (5) To clarify evidentiary standards and expe-
14 dite the administrative review process by providing
15 adequate resources to process documented petitions.

16 (6) To ensure that when the Federal Govern-
17 ment extends acknowledgment to an Indian tribe,
18 the Federal Government does so with a consistent
19 legal, factual, and historical basis.

20 (7) To extend to Indian groups that are deter-
21 mined to be Indian tribes the protection, services,
22 and benefits available from the Federal Government
23 pursuant to the Federal trust responsibility with re-
24 spect to Indian tribes.

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

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **ACKNOWLEDGMENT.**—The term “acknowl-
10 edgment” means a determination by the Commission
11 on Indian Recognition that an Indian group con-
12 stitutes an Indian tribe with a government-to-gov-
13 ernment relationship with the United States.

14 (2) **AUTONOMOUS.**—

15 (A) **IN GENERAL.**—The term “autono-
16 mous” means the exercise of political influence
17 or authority independent of the control of any
18 other Indian governing entity.

19 (B) **CONTEXT OF TERM.**—With respect to
20 a petitioner, the term shall be understood in the
21 context of the history, geography, culture, and
22 social organization of the petitioner.

23 (3) **BUREAU.**—The term “Bureau” means the
24 Bureau of Indian Affairs of the Department.

1 (4) COMMISSION.—The term “Commission”
2 means the Commission on Indian Recognition estab-
3 lished under section 4.

4 (5) COMMUNITY.—

5 (A) IN GENERAL.—The term “community”
6 means any group of people, living within a rea-
7 sonable territory, that is able to demonstrate
8 that

9 (i) consistent interactions and signifi-
10 cant social relationships exist within the
11 membership; and

12 (ii) the members of that group are
13 differentiated from and identified as dis-
14 tinct from nonmembers.

15 (B) CONTEXT OF TERM.—The term shall
16 be understood in the context of the history, cul-
17 ture, and social organization of the group, tak-
18 ing into account the geography of the region in
19 which the group resides.

20 (6) CONTINUOUS OR CONTINUOUSLY.—With re-
21 spect to a period of history of a group, the term
22 “continuous” or “continuously” means extending
23 from 1900 throughout the history of the group to
24 the present substantially without interruption.

1 (7) DEPARTMENT.—The term “Department”
2 means the Department of the Interior.

3 (8) DOCUMENTED PETITION.—The term “docu-
4 mented petition” means the detailed, factual expo-
5 sition and arguments, including all documentary evi-
6 dence, necessary to demonstrate that those argu-
7 ments specifically address the mandatory criteria es-
8 tablished in section 5.

9 (9) HISTORICALLY, HISTORICAL, HISTORY.—
10 The terms “historically”, “historical”, and “history”
11 refer to the period dating from 1900.

12 (10) INDIAN GROUP.—The term “Indian
13 group” means any Indian band, pueblo, village, or
14 community that is not acknowledged to be an Indian
15 tribe.

16 (11) INTERESTED PARTIES.—The term “inter-
17 ested parties” means any person, organization, or
18 other entity who can establish a legal, factual, or
19 property interest in an acknowledgement determina-
20 tion and who requests an opportunity to submit
21 comments or evidence or to be kept informed of Fed-
22 eral actions regarding a specific petitioner. The term
23 includes the government and attorney general of the
24 State in which a petitioner is located, and may in-
25 clude, but is not limited to, local governmental units,

1 and any recognized Indian tribes and unrecognized
2 Indian groups that might be affected by an acknowl-
3 edgement determination.

4 (12) LETTER OF INTENT.—The term “letter of
5 intent” means an undocumented letter or resolution
6 that—

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

9 (B) is submitted to the Commission; and

10 (C) indicates the intent of the Indian
11 group to submit a documented petition for Fed-
12 eral acknowledgment.

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

16 (14) POLITICAL INFLUENCE OR AUTHORITY.—

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

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

24 (ii) making decisions for the group
25 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 (15) RESTORATION.—The term “restoration”
8 means the re-extension of acknowledgment to any
9 previously acknowledged tribe with respect to which
10 the acknowledged status may have been abrogated or
11 diminished by reason of administrative action by the
12 Executive Branch or legislation enacted by Congress
13 expressly terminating that status.

14 (16) SECRETARY.—The term “Secretary”
15 means the Secretary of the Interior.

16 (17) TREATY.—The term “treaty” means any
17 treaty—

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

21 (B) made by any government with, or on
22 behalf of, any Indian group or tribe, from which
23 the Federal Government or the colonial govern-
24 ment which was the predecessor to the United
25 States Government subsequently acquired terri-

1 tory by purchase, conquest, annexation, or ces-
2 sion; or

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

7 (18) TRIBAL ROLL.—The term “tribal roll”
8 means a list exclusively of those individuals who—

9 (A)(i) have been determined by the tribe to
10 meet the membership requirements of the tribe,
11 as set forth in the governing document of the
12 tribe; or

13 (ii) in the absence of a governing doc-
14 ument that sets forth those requirements,
15 have been recognized as members by the
16 governing body of the tribe; and

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

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

20 (a) ESTABLISHMENT.—There is established the Com-
21 mission on Indian Recognition. The Commission shall be
22 an independent establishment, as defined in section 104
23 of title 5, United States Code.

24 (b) MEMBERSHIP.—

25 (1) IN GENERAL.—

1 (A) MEMBERS.—The Commission shall
2 consist of 3 members appointed by the Presi-
3 dent, by and with the advice and consent of the
4 Senate.

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

9 (i) recommendations received from In-
10 dian groups and Indian tribes; and

11 (ii) individuals who have a back-
12 ground or who have demonstrated exper-
13 tise and experience in Indian law or policy,
14 anthropology, genealogy, or Native Amer-
15 ican history.

16 (C) BACKGROUND INFORMATION.—No in-
17 dividual shall be eligible for any appointment
18 to, or continue service on the Commission,
19 who—

20 (i) has been convicted of a felony; or

21 (ii) has any financial interest in, or
22 management responsibility for, any Indian
23 group.

1 (2) POLITICAL AFFILIATION.—Not more than 2
2 members of the Commission may be members of the
3 same political party.

4 (3) TERMS.—Each member of the Commission
5 shall be appointed for a term of 6 years.

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

16 (5) COMPENSATION.—

17 (A) IN GENERAL.—Each member of the
18 Commission shall receive compensation at a
19 rate equal to the daily equivalent of the annual
20 rate of basic pay prescribed for level V of the
21 Executive Schedule under section 5316 of title
22 5, United States Code, for each day, including
23 travel time, that the member is engaged in the
24 actual performance of duties authorized by the
25 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
25 times as the Commission considers appropriate.

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

4 (i) take testimony;

5 (ii) have printing and binding done;

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

9 (iv) make expenditures; and

10 (v) take other actions.

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

15 (3) INFORMATION.—

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

1 the Commission, upon the request of the Chair-
2 person.

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

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

12 (ii) detail any of the personnel of that
13 department, agency, or instrumentality to
14 the Commission, on a non-reimbursable
15 basis.

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

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

23 (g) TERMINATION OF COMMISSION.—The Commis-
24 sion shall terminate on the date that is 12 years after the
25 date of the first meeting of the Commission.

1 (h) APPOINTMENTS.—Notwithstanding any other
2 provision of this Act, the Secretary shall continue to exer-
3 cise those authorities vested in the Secretary relating to
4 supervision of Indian recognition regulated under part 83
5 of title 25 of the Code of Federal Regulations until such
6 time as the Commission is organized and prescribes regu-
7 lations. The Secretary shall provide staff and support as-
8 sistance to facilitate an orderly transition to regulation of
9 Indian recognition by the Commission.

10 **SEC. 5. DOCUMENTED PETITIONS FOR RECOGNITION.**

11 (a) IN GENERAL.—

12 (1) LETTERS OF INTENT AND DOCUMENTED
13 PETITIONS.—Subject to subsection (d) and except as
14 provided in paragraph (3), any Indian group may
15 submit to the Commission letters of intent and a
16 documented petition requesting that the Commission
17 recognize the group as an Indian tribe.

18 (2) HEARING.—

19 (A) IN GENERAL.—Indian groups that
20 have been denied or refused recognition as an
21 Indian tribe under regulations prescribed by the
22 Secretary shall be entitled to an adjudicatory
23 hearing under section 9 before the Commission,
24 if the Commission determines that the criteria
25 established by this Act changes the merits of

1 the Indian group's documented petition sub-
2 mitted to the Department.

3 (B) HEARING RECORD.—For purposes of
4 subparagraph (A), the Commission shall review
5 the administrative record containing the docu-
6 mented petition that formed the basis of the de-
7 termination to the Indian group by the Sec-
8 retary.

9 (C) TREATMENT OF SECRETARY'S FINAL
10 DETERMINATION.—For purposes of the adju-
11 dicatory hearing, the Secretary's final deter-
12 mination shall be considered a preliminary de-
13 termination under section 8(b)(1)(B).

14 (D) OFFICIAL GOVERNMENT ACTIONS TO
15 BE CONSIDERED CONCERNING EVIDENCE OF
16 CRITERIA.—A statement and an analysis of
17 facts submitted under this section may establish
18 that, for any given period of time for which evi-
19 dence of criteria is lacking, such absence of evi-
20 dence corresponds in time with official acts of
21 the Federal or relevant State Government
22 which prohibited or penalized the expression of
23 Indian identity. For such periods of time, the
24 absence of evidence shall not be the basis for
25 declining to acknowledge the petitioner.

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

5 (A) CERTAIN ENTITIES THAT ARE ELIGI-
6 BLE TO RECEIVE SERVICES FROM THE BU-
7 REAU.—Indian tribes, organized bands, pueblos,
8 communities, and Alaska Native entities that
9 are recognized by the Secretary as of the date
10 of enactment of this Act as eligible to receive
11 services from the Bureau.

12 (B) CERTAIN SPLINTER GROUPS, POLITI-
13 CAL FACTIONS, AND COMMUNITIES.—Splinter
14 groups, political factions, communities, or
15 groups of any character that separate from the
16 main body of an Indian tribe that, at the time
17 of that separation, is recognized as an Indian
18 tribe by the Secretary, unless the group, fac-
19 tion, or community is able to establish clearly
20 that the group, faction, or community has func-
21 tioned throughout history until the date of the
22 documented petition as an autonomous Indian
23 tribal entity.

24 (C) CERTAIN GROUPS THAT HAVE PRE-
25 VIOUSLY SUBMITTED DOCUMENTED PETI-

1 TIONS.—Groups, or successors in interest of
2 groups, that before the date of enactment of
3 this Act, have petitioned for and been denied or
4 refused recognition based on the merits of their
5 petition as an Indian tribe under regulations
6 prescribed by the Secretary (other than an In-
7 dian group described in paragraph (2)(A)).
8 Nothing in this subparagraph shall be con-
9 strued as excluding any group that Congress
10 has identified as Indian, but has not identified
11 as an Indian tribe.

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

16 (4) TRANSFER OF DOCUMENTED PETITION.—

17 (A) IN GENERAL.—Notwithstanding any
18 other provision of law, not later than 30 days
19 after the date on which all of the members of
20 the Commission have been appointed and con-
21 firmed by the Senate under section 4(b), the
22 Secretary shall transfer to the Commission all
23 documented petitions and letters of intent pend-
24 ing before the Department that request the Sec-

1 retary to recognize or acknowledge an Indian
2 group as an Indian tribe.

3 (B) CESSATION OF CERTAIN AUTHORITIES
4 OF SECRETARY.—Notwithstanding any other
5 provision of law, on the date of the transfer
6 under subparagraph (A), the Secretary and the
7 Department shall cease to have any authority to
8 recognize or acknowledge, on behalf of the Fed-
9 eral Government, any Indian group as an In-
10 dian tribe.

11 (C) DETERMINATION OF ORDER OF SUB-
12 MISSION OF TRANSFERRED DOCUMENTED PETI-
13 TIONS.—Documented petitions transferred to
14 the Commission under subparagraph (A) shall,
15 for purposes of this Act, be considered as hav-
16 ing been submitted to the Commission in the
17 same order as those documented petitions were
18 submitted to the Department.

19 (b) DOCUMENTED PETITION FORM AND CONTENT.—
20 Except as provided in subsection (c), any documented peti-
21 tion submitted under subsection (a) by an Indian group
22 shall be in any readable form that clearly indicates that
23 the documented petition is a documented petition request-
24 ing the Commission to recognize the Indian group as an

1 Indian tribe and that contains detailed, specific evidence
2 concerning each of the following items:

3 (1) STATEMENT OF FACTS.—A statement of
4 facts and an analysis of such facts establishing that
5 the petitioner has been identified as an American In-
6 dian entity on a substantially continuous basis since
7 1900. Evidence that the character of the group as
8 an Indian entity has from time to time been denied
9 shall not be considered to be conclusive evidence that
10 this criterion has not been met. Evidence that the
11 Commission may rely on in determining the Indian
12 identity of a group may include any 1 or more of the
13 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

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

3 (D) IDENTIFICATION OF PETITIONER ON
4 THE BASIS OF CERTAIN RECORDS.—An identi-
5 fication of the petitioner as an Indian entity by
6 records in a private or public archive, court-
7 house, church, or school.

8 (E) IDENTIFICATION OF PETITIONER BY
9 CERTAIN EXPERTS.—An identification of the
10 petitioner as an Indian entity by an anthropolo-
11 gist, historian, or other scholar.

12 (F) IDENTIFICATION OF PETITIONER BY
13 CERTAIN MEDIA.—An identification of the peti-
14 tioner as an Indian entity in a newspaper, book,
15 or similar medium.

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

21 (H) IDENTIFICATION OF PETITIONER BY A
22 FOREIGN GOVERNMENT OR INTERNATIONAL OR-
23 GANIZATION.—An identification of the peti-
24 tioner as an Indian entity by a foreign govern-
25 ment 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 and an analysis of such facts establishing that
9 a predominant portion of the membership of the
10 petitioner—

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

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

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

21 (i) MARRIAGES.—Significant rates of
22 marriage within the group, or, as may be
23 culturally required, patterned out-mar-
24 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 re-
6 ligious 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 criteria set
15 forth in paragraph (3).

16 (x) EXTENDED KINSHIP TIES.—Not
17 less than 50 percent of the tribal members
18 exhibit collateral kinship ties through gen-
19 erations to the third degree.

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

1 (i) RESIDENCE OF MEMBERS.—More
2 than 50 percent of the members of the
3 group of the petitioner reside in a par-
4 ticular geographical area exclusively or al-
5 most exclusively composed of members of
6 the group, and the balance of the group
7 maintains consistent social interaction with
8 some members of the community.

9 (ii) MARRIAGES.—Not less than 1/3 of
10 the marriages of the group are between
11 members of the group.

12 (iii) DISTINCT CULTURAL PAT-
13 TERNS.—Not less than 50 percent of the
14 members of the group maintain distinct
15 cultural patterns including language, kin-
16 ship, or religious organizations, or religious
17 beliefs or practices.

18 (iv) COMMUNITY SOCIAL INSTITU-
19 TIONS.—Distinct community social institu-
20 tions encompassing 50 percent of the mem-
21 bers of the group, such as kinship organi-
22 zations, formal or informal economic co-
23 operation, or religious organizations.

24 (v) APPLICABILITY OF CRITERIA.—
25 The group has met the criterion in para-

1 graph (3) using evidence described in para-
2 graph (3)(B).

3 (3) AUTONOMOUS ENTITY.—

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

13 (i) MOBILIZATION OF MEMBERS.—

14 The group is capable of mobilizing signifi-
15 cant numbers of members and significant
16 resources from its members for group pur-
17 poses.

18 (ii) ISSUES OF PERSONAL IMPOR-

19 TANCE.—Most of the membership of the
20 group consider issues acted upon or taken
21 by group leaders or governing bodies to be
22 of personal importance.

23 (iii) POLITICAL PROCESS.—There is

24 widespread knowledge, communication, and

1 involvement in political processes by most
2 of the members of the group.

3 (iv) LEVEL OF APPLICATION OF CRI-
4 TERIA.—The group meets the criterion de-
5 scribed in paragraph (2) at more than a
6 minimal level.

7 (v) INTRAGROUP CONFLICTS.—There
8 are intragroup conflicts which show con-
9 troversy over valued group goals, prop-
10 erties, policies, processes, or decisions.

11 (vi) CONTINUOUS LINE OF GROUP
12 LEADERS.—A continuous line of group
13 leaders with a description of the means of
14 selection or acquiescence by a majority of
15 the group's members.

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

24 (i) ALLOCATION OF GROUP RE-
25 SOURCES.—Allocate group resources such

1 as land, residence rights, or similar re-
2 sources on a consistent basis.

3 (ii) SETTLEMENT OF DISPUTES.—Set-
4 tle disputes between members or subgroups
5 such as clans or lineages by mediation or
6 other means on a regular basis.

7 (iii) INFLUENCE ON BEHAVIOR OF IN-
8 DIVIDUAL MEMBERS.—Exert strong influ-
9 ence on the behavior of individual mem-
10 bers, such as the establishment or mainte-
11 nance of norms and the enforcement of
12 sanctions to direct or control behavior.

13 (iv) ECONOMIC SUBSISTENCE ACTIVI-
14 TIES.—Organize or influence economic
15 subsistence activities among the members,
16 including shared or cooperative labor.

17 (C) TEMPORALITY OF SUFFICIENCY OF
18 EVIDENCE.—A group that has met the require-
19 ments of paragraph (2)(C) at any point in time
20 shall be considered to have provided sufficient
21 evidence to meet the criterion described in sub-
22 paragraph (A) at that point in time.

23 (4) GOVERNING DOCUMENT.—A copy of the
24 then present governing document of the petitioner
25 that includes the membership criteria of the peti-

1 petitioner. In the absence of a written document, the pe-
2 titioner shall be required to provide a statement de-
3 scribing in full the membership criteria of the peti-
4 tioner and the then current governing procedures of
5 the petitioner.

6 (5) LIST OF MEMBERS.—

7 (A) IN GENERAL.—A list of all then cur-
8 rent members of the petitioner, including the
9 full name (and maiden name, if any), date, and
10 place of birth, and then current residential ad-
11 dress of each member, a copy of each available
12 former list of members based on the criteria de-
13 fined by the petitioner, and a statement describ-
14 ing the methods used in preparing those lists.

15 (B) REQUIREMENTS FOR MEMBERSHIP.—

16 In order for the Commission to consider the
17 members of the group to be members of an In-
18 dian tribe for the purposes of the documented
19 petition, that membership shall be required to
20 consist of established descendance from an In-
21 dian group that existed historically, or from his-
22 torical Indian groups that combined and func-
23 tioned as a single autonomous entity.

24 (C) EVIDENCE OF TRIBAL MEMBERSHIP.—

25 Evidence of tribal membership required by the

1 Commission for a determination of tribal mem-
2 bership shall include the following items:

3 (i) DESCENDANCY ROLLS.—

4 Descendancy rolls prepared by the Sec-
5 retary for the petitioner for purposes of
6 distributing claims money, providing allot-
7 ments, or other purposes.

8 (ii) CERTAIN OFFICIAL RECORDS.—

9 Federal, State, or other official records or
10 evidence identifying then present members
11 of the petitioner, or ancestors of then
12 present members of the petitioner, as being
13 descendants of a historic tribe or historic
14 tribes that combined and functioned as a
15 single autonomous political entity.

16 (iii) ENROLLMENT RECORDS.—

17 Church, school, and other similar enroll-
18 ment records identifying then present
19 members or ancestors of then present
20 members as being descendants of a historic
21 tribe or historic tribes that combined and
22 functioned as a single autonomous political
23 entity.

24 (iv) AFFIDAVITS OF RECOGNITION.—

25 Affidavits of recognition by tribal elders,

1 leaders, or the tribal governing body identi-
2 fying then present members or ancestors of
3 then present members as being descend-
4 ants of 1 or more historic tribes that com-
5 bined and functioned as a single autono-
6 mous political entity.

7 (v) OTHER RECORDS OR EVIDENCE.—
8 Other records or evidence based upon first-
9 hand experience of historians, anthropolo-
10 gists, and genealogists with established ex-
11 pertise on the petitioner or Indian entities
12 in general, identifying then present mem-
13 bers or ancestors of then present members
14 as being descendants of 1 or more historic
15 tribes that combined and functioned as a
16 single autonomous political entity.

17 (c) EXCEPTIONS.—A documented petition from an
18 Indian group that is able to demonstrate by a preponder-
19 ance of the evidence that the group was, or is the suc-
20 cessor in interest to, a—

21 (1) party to a treaty or treaties;

22 (2) group acknowledged by any agency of the
23 Federal Government as eligible to participate under
24 the Act of June 18, 1934 (commonly referred to as

1 the “Indian Reorganization Act”) (48 Stat. 984 et
2 seq., chapter 576; 25 U.S.C. 461 et seq.);

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

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

9 shall be required to establish the criteria set forth in this
10 section only with respect to the period beginning on the
11 date of the applicable action described in paragraph (1),
12 (2), (3), or (4) and ending on the date of submission of
13 the documented petition.

14 (d) DEADLINE FOR SUBMISSION.—

15 (1) DOCUMENTED PETITIONS.—No Indian
16 group may submit a documented petition to the
17 Commission after 8 years after the date of the first
18 meeting of the Commission.

19 (2) LETTERS OF INTENT.—In the case of a let-
20 ter of intent, the Commission shall publish in the
21 Federal Register a notice of such receipt, including
22 the name, location, and mailing address of the peti-
23 tioner. A petitioner who has submitted a letter of in-
24 tent or had a letter of intent transferred to the Com-
25 mission under section 5 shall be required to submit

1 a documented petition within 3 years after the date
2 of the first meeting of the Commission to the Com-
3 mission. No letters of intent will be accepted by the
4 Commission after 3 years after the date of the first
5 meeting of the Commission.

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

7 (a) PETITIONER.—

8 (1) IN GENERAL.—Not later than 30 days after
9 a documented petition is submitted or transferred to
10 the Commission under section 5(a), the Commission
11 shall—

12 (A) send an acknowledgement of receipt in
13 writing to the petitioner; and

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

18 (i) identifies the entity that submitted
19 the documented petition and the date the
20 documented petition was received by the
21 Commission;

22 (ii) indicates where a copy of the doc-
23 umented petition may be examined; and

24 (iii) indicates whether the documented
25 petition is a transferred documented peti-

1 tion that is subject to the special provi-
2 sions under paragraph (2).

3 (2) SPECIAL PROVISIONS FOR TRANSFERRED
4 DOCUMENTED PETITIONS.—

5 (A) IN GENERAL.—With respect to a docu-
6 mented petition that is transferred to the Com-
7 mission under section 5(a)(4), the notice pro-
8 vided to the petitioner, shall, in addition to pro-
9 viding the information specified in paragraph
10 (1), inform the petitioner whether the docu-
11 mented petition constitutes a documented peti-
12 tion that meets the requirements of section 5.

13 (B) AMENDED PETITIONS.—If the petition
14 described in subparagraph (A) is not a docu-
15 mented petition, the Commission shall notify
16 the petitioner that the petitioner may, not later
17 than 120 days after the date of the notice, sub-
18 mit to the Commission an amended petition
19 that is a documented petition for review under
20 section 7.

21 (C) EFFECT OF AMENDED PETITION.—To
22 the extent practicable, the submission of an
23 amended petition by a petitioner by the date
24 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 documented petition
12 (including any amended petition submitted pursuant
13 to subsection (a)(2)) in a major newspaper of gen-
14 eral circulation in the town or city located nearest
15 the location 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 involved
22 with the petitioners to submit factual or legal
23 arguments in support of, or in opposition to,
24 the documented petition.

1 (B) COPY TO PETITIONER.—A copy of any
2 submission made under subparagraph (A) shall
3 be provided to the petitioner within 90 days
4 upon receipt by the Commission.

5 (C) RESPONSE.—The petitioner shall be
6 provided an opportunity to respond within 90
7 days to any submission made under subpara-
8 graph (A) before a determination on the docu-
9 mented petition by the Commission.

10 **SEC. 7. PROCESSING THE DOCUMENTED PETITION.**

11 (a) REVIEW.—

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

18 (2) CONTENT OF REVIEW.—The review con-
19 ducted under paragraph (1) shall include consider-
20 ation of the documented petition, supporting evi-
21 dence, and the factual statements contained in the
22 documented petition.

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

1 (A) initiate other research for any purpose
2 relative to analyzing the documented petition
3 and obtaining additional information about the
4 status of the petitioner; and

5 (B) consider such evidence as may be sub-
6 mitted by interested parties.

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

15 (b) CONSIDERATION.—

16 (1) IN GENERAL.—Except as otherwise pro-
17 vided in this subsection, documented petitions sub-
18 mitted or transferred to the Commission shall be
19 considered on a first come, first served basis, deter-
20 mined by the date of the original filing of each such
21 documented petition with the Commission (or the
22 Department if the documented petition is trans-
23 ferred to the Commission pursuant to section
24 5(a)(4) or is an amended petition submitted pursu-
25 ant to section 6(a)(2)(B)). The Commission shall es-

1 tablish a priority register that includes documented
2 petitions that are pending before the Department as
3 of the date of the first meeting of the Commission.

4 (2) PRIORITY CONSIDERATION.—Each docu-
5 mented petition (that is submitted or transferred to
6 the Commission pursuant to section 5(a) or that is
7 submitted to the Commission pursuant to section
8 6(a)(2)(B)) of an Indian group that meets 1 or more
9 of the requirements set forth in section 5(c) shall re-
10 receive priority consideration over a documented peti-
11 tion submitted by any other Indian group.

12 **SEC. 8. PRELIMINARY HEARING.**

13 (a) IN GENERAL.—Not later than 60 days after the
14 receipt of a documented petition by the Commission sub-
15 mitted or transferred under section 5(a) or submitted to
16 the Commission pursuant to section 6(a)(2)(B), the Com-
17 mission shall set a date for a preliminary hearing, which
18 shall in no instance be held later than 180 days after re-
19 ceipt of the documented petition. At the preliminary hear-
20 ing, the petitioner and any other interested party may pro-
21 vide evidence concerning the status of the petitioner.

22 (b) DETERMINATION.—

23 (1) IN GENERAL.—Not later than 30 days after
24 the conclusion of a preliminary hearing under sub-

1 section (a), the Commission shall make a determina-
2 tion—

3 (A) to extend Federal acknowledgment of
4 the petitioner as an Indian tribe to the peti-
5 tioner; or

6 (B) that the petitioner should proceed to
7 an adjudicatory hearing.

8 (2) NOTICE OF DETERMINATION.—The Com-
9 mission shall publish in the Federal Register a no-
10 tice of each determination made under paragraph
11 (1).

12 (c) INFORMATION TO BE PROVIDED PREPARATORY
13 TO AN ADJUDICATORY HEARING.—

14 (1) IN GENERAL.—If the Commission makes a
15 determination under subsection (b)(1)(B) that the
16 petitioner should proceed to an adjudicatory hearing,
17 the Commission shall—

18 (A)(i) not later than 30 days after the date
19 of such determination, make available appro-
20 priate evidentiary records of the Commission to
21 the petitioner to assist the petitioner in pre-
22 paring for the adjudicatory hearing; and

23 (ii) include such guidance as the Com-
24 mission considers necessary or appropriate

1 to assist the petitioner in preparing for the
2 hearing; and

3 (B) not later than 30 days after the con-
4 clusion of the preliminary hearing under sub-
5 section (a), provide a written notification to the
6 petitioner that includes a list of any deficiencies
7 or omissions that the Commission relied on in
8 making a determination under subsection
9 (b)(1)(B).

10 (2) SUBJECT OF ADJUDICATORY HEARING.—

11 The list of deficiencies and omissions provided by
12 the Commission to a petitioner under paragraph
13 (1)(B) shall be the subject of the adjudicatory hear-
14 ing. The Commission may not make any additions to
15 the list after the Commission issues the list.

16 **SEC. 9. ADJUDICATORY HEARING.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 conclusion of a preliminary hearing under section 8(a), the
19 Commission shall afford a petitioner who is subject to sec-
20 tion 8(b)(1)(B) an adjudicatory hearing. The subject of
21 the adjudicatory hearing shall be the list of deficiencies
22 and omissions provided under section 8(c)(1)(B) and shall
23 be conducted pursuant to sections 554, 556, and 557 of
24 title 5, United States Code.

1 (b) TESTIMONY FROM STAFF OF COMMISSION.—In
2 any hearing held under subsection (a), the Commission
3 shall require testimony from the acknowledgement and re-
4 search staff of the Commission or other witnesses involved
5 in the preliminary determination. Any such testimony
6 shall be subject to cross-examination by the petitioner.

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

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

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

16 (2) publish the determination of the Commis-
17 sion under paragraph (1) in the Federal Register;
18 and

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

21 **SEC. 10. APPEALS.**

22 (a) IN GENERAL.—Not later than 60 days after the
23 date that the Commission publishes a determination under
24 section 9(d), the petitioner may appeal the determination

1 to the United States District Court for the District of Co-
2 lumbia.

3 (b) ATTORNEY FEES.—If the petitioner prevails in
4 an appeal made under subsection (a), the petitioner shall
5 be eligible for an award of reasonable attorney fees and
6 costs under section 504 of title 5, United States Code,
7 or section 2412 of title 28, United States Code, whichever
8 is applicable.

9 **SEC. 11. EFFECT OF DETERMINATIONS.**

10 A determination by the Commission under section
11 9(d) that an Indian group is recognized by the Federal
12 Government as an Indian tribe shall not have the effect
13 of depriving or diminishing—

14 (1) the right of any other Indian tribe to govern
15 the reservation of such other tribe as that reserva-
16 tion existed before the recognition of that Indian
17 group, or as that reservation may exist thereafter;

18 (2) any property right held in trust or recog-
19 nized by the United States for that other Indian
20 tribe as that property existed before the recognition
21 of that Indian group; or

22 (3) any previously or independently existing
23 claim by a petitioner to any such property right held
24 in trust by the United States for that other Indian

1 tribe before the recognition by the Federal Govern-
2 ment of that Indian group as an Indian tribe.

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

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

5 (1) **IN GENERAL.**—Subject to paragraph (2),
6 upon recognition by the Commission of a petitioner
7 as an Indian tribe under this Act, the Indian tribe
8 shall—

9 (A) be eligible for the services and benefits
10 from the Federal Government that are available
11 to other federally recognized Indian tribes by
12 virtue of their status as Indian tribes with a
13 government-to-government relationship with the
14 United States; and

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

18 (2) **PROGRAMS OF THE BUREAU.**—

19 (A) **IN GENERAL.**—The recognition of an
20 Indian group as an Indian tribe by the Commis-
21 sion under this Act shall not create an imme-
22 diate entitlement to programs of the Bureau in
23 existence on the date of the recognition.

24 (B) **AVAILABILITY OF PROGRAMS.**—

1 (i) IN GENERAL.—The programs de-
2 scribed in subparagraph (A) shall become
3 available to the Indian tribe upon the ap-
4 propriation of funds.

5 (ii) REQUESTS FOR APPROPRIA-
6 TIONS.—The Secretary and the Secretary
7 of Health and Human Services shall for-
8 ward budget requests for funding the pro-
9 grams for the Indian tribe pursuant to the
10 needs determination procedures established
11 under subsection (b).

12 (b) NEEDS DETERMINATION AND BUDGET RE-
13 QUEST.—

14 (1) IN GENERAL.—Not later than 180 days
15 after an Indian group is recognized by the Commis-
16 sion as an Indian tribe under this Act, the appro-
17 priate officials of the Bureau and the Indian Health
18 Service of the Department of Health and Human
19 Services shall consult and develop in cooperation
20 with the Indian tribe, and forward to the Secretary
21 or the Secretary of Health and Human Services, as
22 appropriate, a determination of the needs of the In-
23 dian tribe and a recommended budget required to
24 serve the newly recognized Indian tribe.

1 (2) SUBMISSION OF BUDGET REQUEST.—Upon
2 receipt of the information described in paragraph
3 (1), the appropriate Secretary shall submit to the
4 President a recommended budget along with rec-
5 ommendations, concerning the information received
6 under paragraph (1), for inclusion in the annual
7 budget submitted by the President to the Congress
8 pursuant to section 1108 of title 31, United States
9 Code.

10 **SEC. 13. ANNUAL REPORT CONCERNING COMMISSION'S AC-**
11 **TIVITIES.**

12 (a) LIST OF RECOGNIZED TRIBES.—Not later than
13 90 days after the first meeting of the Commission, and
14 annually on or before each January 30 thereafter, the
15 Commission shall publish in the Federal Register a list
16 of all Indian tribes that—

17 (1) are recognized by the Federal Government;

18 and

19 (2) receive services from the Bureau.

20 (b) ANNUAL REPORT.—

21 (1) IN GENERAL.—Beginning on the date that
22 is 1 year after the date of the first meeting of the
23 Commission, and annually thereafter, the Commis-
24 sion shall prepare and submit a report to the Com-
25 mittee on Indian Affairs of the Senate and the Com-

1 mittee on Resources of the House of Representatives
2 that describes the activities of the Commission.

3 (2) CONTENT OF REPORTS.—Each report sub-
4 mitted under this subsection shall include, at a min-
5 imum, for the year that is the subject of the re-
6 port—

7 (A) the number of documented petitions
8 pending at the beginning of the year and the
9 names of the petitioners;

10 (B) the number of documented petitions
11 received during the year and the names of the
12 petitioners;

13 (C) the number of documented petitions
14 the Commission approved for acknowledgment
15 during the year and the names of the acknowl-
16 edged petitioners;

17 (D) the number of documented petitions
18 the Commission denied for acknowledgment
19 during the year and the names of the peti-
20 tioners; and

21 (E) the status of all pending documented
22 petitions on the date of the report and the
23 names of the petitioners.

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

2 Any petitioner may bring an action in the district
3 court of the United States for the district in which the
4 petitioner resides, or the United States District Court for
5 the District of Columbia, to enforce the provisions of this
6 Act, including any time limitations within which actions
7 are required to be taken, or decisions made, under this
8 Act. The district court shall issue such orders (including
9 writs of mandamus) as may be necessary to enforce the
10 provisions of this Act.

11 **SEC. 15. REGULATIONS.**

12 The Commission may, in accordance with applicable
13 requirements of title 5, United States Code, promulgate
14 and publish such regulations as may be necessary to carry
15 out this Act.

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

17 (a) GUIDELINES.—Not later than 90 days after the
18 date of the first meeting of the Commission, the Commis-
19 sion shall make available to Indian groups suggested
20 guidelines for the format of documented petitions, includ-
21 ing general suggestions and guidelines concerning where
22 and how to research information that is required to be
23 included in a documented petition. The examples included
24 in the guidelines shall not preclude the use of any other
25 appropriate format.

1 (b) RESEARCH ADVICE.—The Commission may, upon
2 request, provide suggestions and advice to any petitioner
3 with respect to the research of the petitioner concerning
4 the historical background and Indian identity of that peti-
5 tioner. The Commission shall not be responsible for con-
6 ducting research on behalf of the petitioner.

7 **SEC. 17. ASSISTANCE TO PETITIONERS.**

8 (a) GRANTS.—

9 (1) IN GENERAL.—The Secretary of Health and
10 Human Services may award grants to Indian groups
11 seeking Federal recognition as Indian tribes to en-
12 able the Indian groups to—

13 (A) conduct the research necessary to sub-
14 stantiate documented petitions under this Act;
15 and

16 (B) prepare documentation necessary for
17 the submission of a documented petition under
18 this Act.

19 (2) TREATMENT OF GRANTS.—The grants
20 made under this subsection shall be in addition to
21 any other grants the Secretary of Health and
22 Human Services is authorized to provide under any
23 other provision of law.

24 (b) COMPETITIVE AWARD.—The grants made under
25 subsection (a) shall be awarded competitively on the basis

1 of objective criteria prescribed in regulations promulgated
2 by the Secretary of Health and Human Services.

3 **SEC. 18. PROTECTION OF CERTAIN PRIVILEGED INFORMA-**
4 **TION.**

5 Notwithstanding any other provision of law, upon the
6 effective date of this Act, when responding to any requests
7 for information on petitions and related materials filed by
8 a group seeking Federal recognition as an Indian tribe
9 pursuant to part 83 of title 25 of the Code of Federal
10 Regulations, including petitions and related materials
11 transferred to the Commission from the Department
12 under section 5(a)(4), as well as related materials located
13 within the Department that have yet to be transferred to
14 the Commission, the Department and the Commission
15 shall exclude materials identified by the petitioning group
16 as information related to religious practices or sacred
17 sites, and which the group is forbidden to disclose except
18 for the limited purpose of Department and Commission
19 review.

20 **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) COMMISSION.—There are authorized to be appro-
22 priated to the Commission to carry out this Act (other
23 than section 17) such sums as are necessary for each of
24 fiscal years 2006 through 2015.

1 (b) SECRETARY OF HHS.—There are authorized to
2 be appropriated to the Secretary of Health and Human
3 Services to carry out section 17 such sums as are nec-
4 essary for each of fiscal years 2006 through 2015.

○