

104TH CONGRESS
1ST SESSION

S. 479

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28 (legislative day, FEBRUARY 22), 1995

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

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 1995”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

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 expedite
23 the administrative review process by providing ade-
24 quate resources to process petitions; and

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 Unless the context implies otherwise, for the purposes
7 of this Act the following definitions shall apply:

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

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

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

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

23 (3) AUTONOMOUS.—

24 (A) IN GENERAL.—The term “autono-
25 mous” means the exercise of political influence

1 or authority independent of the control of any
2 other Indian governing entity.

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

7 (4) BUREAU.—The term “Bureau” means the
8 Bureau of Indian Affairs of the Department.

9 (5) COMMISSION.—The term “Commission”
10 means the Commission on Indian Recognition estab-
11 lished pursuant to section 4.

12 (6) COMMUNITY.—

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

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

20 (ii) the members of such group are
21 differentiated from and identified as dis-
22 tinct from nonmembers.

23 (B) CONTEXT OF TERM.—Such term shall
24 be understood in the context of the history, cul-
25 ture, and social organization of the group, tak-

1 ing into account the geography of the region in
2 which the group resides.

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

9 (8) DEPARTMENT.—The term “Department”
10 means the Department of the Interior.

11 (9) DOCUMENTED PETITION.—The term “docu-
12 mented petition” means the detailed, factual expo-
13 sition and arguments, including all documentary evi-
14 dence, necessary to demonstrate that such argu-
15 ments specifically address the mandatory criteria es-
16 tablished in section 5.

17 (10) GROUP.—The term “group” means an In-
18 dian group, as defined in paragraph (12).

19 (11) HISTORICALLY, HISTORICAL, HISTORY.—
20 The terms “historically”, “historical”, and “history”
21 refer to the period dating from the first sustained
22 contact with Euro-Americans.

23 (12) INDIAN GROUP.—The term “Indian
24 group” means any Indian, Alaska Native, or Native
25 Hawaiian tribe, band, pueblo, village or community

1 within the United States that the Secretary does not
2 acknowledge to be an Indian tribe.

3 (13) INDIAN TRIBE.—The term “Indian tribe”
4 means any Indian tribe, band, pueblo, village, or
5 community within the United States that—

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

13 (B) the Commission acknowledges as an
14 Indian tribe under this Act.

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

21 (15) LETTER OF INTENT.—The term “letter of
22 intent” means an undocumented letter or resolution
23 that—

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

1 (B) is submitted to the Commission; and

2 (C) indicates the intent of the Indian
3 group to submit a petition for Federal acknowl-
4 edgment as an Indian tribe.

5 (16) MEMBER OF AN INDIAN GROUP.—The
6 term “member of an Indian group” means an indi-
7 vidual who—

8 (A) is recognized by an Indian group as
9 meeting the membership criteria of the Indian
10 group; and

11 (B) consents in writing to being listed as
12 a member of such group.

13 (17) MEMBER OF AN INDIAN TRIBE.—The term
14 “member of an Indian tribe” means an individual
15 who—

16 (A)(i) meets the membership requirements
17 of the tribe as set forth in its governing docu-
18 ment; or

19 (ii) in the absence of a governing document
20 which sets out such requirements, has been rec-
21 ognized as a member collectively by those per-
22 sons comprising the tribal governing body; and

23 (B)(i) has consistently maintained tribal
24 relations with the tribe; or

1 (ii) is listed on the tribal membership rolls
2 as a member, if such rolls are kept.

3 (18) PETITION.—The term “petition” means a
4 petition for acknowledgment submitted or trans-
5 ferred to the Commission pursuant to section 5.

6 (19) PETITIONER.—The term “petitioner”
7 means any group that submits a letter of intent to
8 the Commission requesting acknowledgment that the
9 group is an Indian tribe.

10 (20) POLITICAL INFLUENCE OR AUTHORITY.—

11 (A) IN GENERAL.—The term “political in-
12 fluence or authority” means a tribal council,
13 leadership, internal process, or other mecha-
14 nism which a group has used as a means of—

15 (i) influencing or controlling the be-
16 havior of its members in a significant man-
17 ner;

18 (ii) making decisions for the group
19 which substantially affect its members; or

20 (iii) representing the group in dealing
21 with nonmembers in matters of con-
22 sequence to the group.

23 (B) CONTEXT OF TERM.—Such term shall
24 be understood in the context of the history, cul-
25 ture, and social organization of the group.

1 (21) PREVIOUS FEDERAL ACKNOWLEDG-
2 MENT.—The term “previous Federal acknowledg-
3 ment” means any action by the Federal Govern-
4 ment, the character of which—

5 (A) is clearly premised on identification of
6 a tribal political entity; and

7 (B) clearly indicates the recognition of a
8 government-to-government relationship between
9 that entity and the Federal Government.

10 (22) RESTORATION.—The term “restoration”
11 means the reextension of acknowledgment to any
12 previously acknowledged tribe with respect to which
13 the acknowledged status may have been abrogated or
14 diminished by reason of legislation enacted by Con-
15 gress expressly terminating such status.

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

18 (24) SUSTAINED CONTACT.—The term “sus-
19 tained contact” means the period of earliest sus-
20 tained Euro-American settlement or governmental
21 presence in the local area in which the tribe or tribes
22 from which the petitioner claims descent was located
23 historically.

24 (25) TREATY.—The term “treaty” means any
25 treaty—

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

4 (B) made by any government with, or on
5 behalf of, any Indian group or tribe, from which
6 the Federal Government subsequently acquired
7 territory by purchase, conquest, annexation, or
8 cession; or

9 (C) negotiated by the United States with,
10 or on behalf of, any Indian group in California,
11 whether or not the treaty was subsequently
12 ratified.

13 (26) TRIBE.—The term “tribe” means an In-
14 dian tribe.

15 (27) TRIBAL RELATIONS.—The term “tribal re-
16 lations” means participation by an individual in a
17 political and social relationship with an Indian tribe.

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

20 (A)(i) have been determined by the tribe to
21 meet the membership requirements of the tribe,
22 as set forth in the governing document of the
23 tribe; or

24 (ii) in the absence of a governing document
25 that sets forth such requirements, have been

1 recognized as members by the governing body
2 of the tribe; and

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

5 (29) UNITED STATES.—The term “United
6 States” means the 48 contiguous States, and the
7 States of Alaska and Hawaii. Such term does not in-
8 clude territories or possessions of the United States.

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

10 (a) ESTABLISHMENT.—There is established, as an
11 independent commission, the Commission on Indian Rec-
12 ognition. The Commission shall be an independent estab-
13 lishment, as defined in section 104 of title 5, United
14 States Code.

15 (b) MEMBERSHIP.—

16 (1) IN GENERAL.—

17 (A) MEMBERS.—The Commission shall
18 consist of 3 members appointed by the Presi-
19 dent, by and with the advice and consent of the
20 Senate.

21 (B) INDIVIDUALS TO BE CONSIDERED FOR
22 MEMBERSHIP.—In making appointments to the
23 Commission, the President shall give careful
24 consideration to—

1 (i) recommendations received from In-
2 dian tribes; and

3 (ii) individuals who have a back-
4 ground in Indian law or policy, anthropol-
5 ogy, genealogy, or history.

6 (2) POLITICAL AFFILIATION.—Not more than 2
7 members of the Commission may be members of the
8 same political party.

9 (3) TERMS.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), each member of the Com-
12 mission shall be appointed for a term of 4
13 years.

14 (B) INITIAL APPOINTMENTS.—As des-
15 ignated by the President at the time of appoint-
16 ment, of the members initially appointed under
17 this subsection—

18 (i) 1 member shall be appointed for a
19 term of 2 years;

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

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

24 (4) VACANCIES.—Any vacancy in the Commis-
25 sion shall not affect the powers of the Commission,

1 but shall be filled in the same manner in which the
2 original appointment was made. Any member ap-
3 pointed to fill a vacancy occurring before the expira-
4 tion of the term for which the predecessor of the
5 member was appointed shall be appointed only for
6 the remainder of such term. A member may serve
7 after the expiration of the term of such member
8 until a successor has taken office.

9 (5) COMPENSATION.—

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

19 (B) TRAVEL.—All members of the Com-
20 mission shall be reimbursed for travel and per
21 diem in lieu of subsistence expenses during the
22 performance of duties of the Commission while
23 away from their homes or regular places of
24 business, in accordance with subchapter I of
25 chapter 57 of title 5, United States Code.

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

11 (7) CHAIRPERSON.—At the time appointments
12 are made under paragraph (1), the President shall
13 designate a Chairperson of the Commission (referred
14 to in this section as the “Chairperson”) from among
15 the appointees.

16 (c) MEETINGS AND PROCEDURES.—

17 (1) IN GENERAL.—The Commission shall hold
18 its first meeting not later than 30 days after the
19 date on which all members of the Commission have
20 been appointed and confirmed by the Senate.

21 (2) QUORUM.—Two members of the Commis-
22 sion shall constitute a quorum for the transaction of
23 business.

24 (3) RULES.—The Commission may adopt such
25 rules (consistent with the provisions of this Act) as

1 may be necessary to establish the procedures of the
2 Commission and to govern the manner of operations,
3 organization, and personnel of the Commission.

4 (4) PRINCIPAL OFFICE.—The principal office of
5 the Commission shall be in the District of Columbia.

6 (d) DUTIES.—The Commission shall carry out the
7 duties assigned to the Commission by this Act, and shall
8 meet the requirements imposed on the Commission by this
9 Act.

10 (e) POWERS AND AUTHORITIES.—

11 (1) POWERS AND AUTHORITIES OF CHAIR-
12 PERSON.—Subject to such rules and regulations as
13 may be adopted by the Commission, the Chairperson
14 may—

15 (A) appoint, terminate, and fix the com-
16 pensation (without regard to the provisions of
17 title 5, United States Code, governing appoint-
18 ments in the competitive service, and without
19 regard to the provisions of chapter 51 and sub-
20 chapter III of chapter 53 of such title, or of
21 any other provision of law, relating to the num-
22 ber, classification, and General Schedule rates)
23 of an Executive Director of the Commission and
24 of such other personnel as the Chairperson con-
25 siders advisable to assist in the performance of

1 the duties of the Commission, at a rate not to
2 exceed a rate equal to the daily equivalent of
3 the annual rate of basic pay prescribed for level
4 V of the Executive Schedule under section 5316
5 of title 5, United States Code; and

6 (B) procure, as authorized by section
7 3109(b) of title 5, United States Code, tem-
8 porary and intermittent services to the same ex-
9 tent as is authorized by law for agencies in the
10 executive branch, but at rates not to exceed the
11 daily equivalent of the annual rate of basic pay
12 prescribed for level V of the Executive Schedule
13 under section 5316 of such title.

14 (2) GENERAL POWERS AND AUTHORITIES OF
15 COMMISSION.—

16 (A) IN GENERAL.—The Commission
17 may—

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

20 (ii) take such testimony;

21 (iii) have such printing and binding
22 done;

23 (iv) enter into such contracts and
24 other arrangements, subject to the avail-
25 ability of funds;

1 (v) make such expenditures; and

2 (vi) take such other actions,

3 as the Commission may consider advisable.

4 (B) OATHS AND AFFIRMATIONS.—Any
5 member of the Commission may administer
6 oaths or affirmations to witnesses appearing be-
7 fore the Commission.

8 (3) INFORMATION.—

9 (A) IN GENERAL.—The Commission may
10 secure directly from any officer, department,
11 agency, establishment, or instrumentality of the
12 Federal Government such information as the
13 Commission may require to carry out this Act.
14 Each such officer, department, agency, estab-
15 lishment, or instrumentality shall furnish, to
16 the extent permitted by law, such information,
17 suggestions, estimates, and statistics directly to
18 the Commission, upon the request of the Chair-
19 person.

20 (B) FACILITIES, SERVICES, AND DE-
21 TAILS.—Upon the request of the Chairperson,
22 to assist the Commission in carrying out the
23 duties of the Commission under this section,
24 the head of any Federal department, agency, or
25 instrumentality may—

1 (i) make any of the facilities and serv-
2 ices of such department, agency, or instru-
3 mentality available to the Commission; and

4 (ii) detail any of the personnel of such
5 department, agency, or instrumentality to
6 the Commission, on a nonreimbursable
7 basis.

8 (C) **MAILS.**—The Commission may use the
9 United States mails in the same manner and
10 under the same conditions as other departments
11 and agencies of the United States.

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

15 (g) **TERMINATION OF COMMISSION.**—The Commis-
16 sion shall terminate on the date that is 12 years after the
17 date of enactment of this Act.

18 **SEC. 5. PETITIONS FOR RECOGNITION.**

19 (a) **IN GENERAL.**—

20 (1) **PETITIONS.**—Subject to subsection (d) and
21 except as provided in paragraph (2), any Indian
22 group may submit to the Commission a petition re-
23 questing that the Commission recognize an Indian
24 group as an Indian tribe.

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

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

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

22 (C) CERTAIN GROUPS THAT HAVE PRE-
23 VIOUSLY SUBMITTED PETITIONS.—Groups, or
24 successors in interest of groups, that prior to
25 the date of enactment of this Act, have peti-

1 tioned for and been denied or refused recogni-
2 tion as an Indian tribe under regulations pre-
3 scribed by the Secretary.

4 (D) INDIAN GROUPS SUBJECT TO TERMI-
5 NATION.—Any Indian group whose relationship
6 with the Federal Government was expressly ter-
7 minated by an Act of Congress.

8 (E) PARTIES TO CERTAIN ACTIONS.—Any
9 Indian group that—

10 (i) in any action in a United States
11 court of competent jurisdiction to which
12 the group was a party, attempted to estab-
13 lish its status as an Indian tribe or a suc-
14 cessor in interest to an Indian tribe that
15 was a party to a treaty with the United
16 States;

17 (ii) was determined by such court—

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

19 (II) not to be a successor in in-
20 terest to an Indian tribe that was a
21 party to a treaty with the United
22 States; or

23 (iii) was the subject of findings of fact
24 by such court which, if made by the Com-
25 mission, would show that the group was in-

1 capable of establishing one or more of the
2 criteria set forth in this section.

3 (3) TRANSFER OF PETITION.—

4 (A) IN GENERAL.—Notwithstanding any
5 other provision of law, not later than 30 days
6 after the date on which all of the members of
7 the Commission have been appointed and con-
8 firmed by the Senate under section 4(b), the
9 Secretary shall transfer to the Commission all
10 petitions pending before the Department that—

11 (i) are not under active consideration
12 of the Secretary at the time of the trans-
13 fer; and

14 (ii) request the Secretary, or the Fed-
15 eral Government, to recognize or acknowl-
16 edge an Indian group as an Indian tribe.

17 (B) CESSATION OF CERTAIN AUTHORITIES
18 OF SECRETARY.—Notwithstanding any other
19 provision of law, on the date of the transfer
20 under subparagraph (A), the Secretary and the
21 Department shall cease to have any authority to
22 recognize or acknowledge, on behalf of the Fed-
23 eral Government, any Indian group as an In-
24 dian tribe, except for those groups under active
25 consideration at the time of the transfer whose

1 petitions have been retained by the Secretary
2 pursuant to subparagraph (A).

3 (C) DETERMINATION OF ORDER OF SUB-
4 MISSION OF TRANSFERRED PETITIONS.—Peti-
5 tions transferred to the Commission under sub-
6 paragraph (A) shall, for purposes of this Act,
7 be considered as having been submitted to the
8 Commission in the same order as such petitions
9 were submitted to the Department.

10 (b) PETITION FORM AND CONTENT.—Except as pro-
11 vided in subsection (c), any petition submitted under sub-
12 section (a) by an Indian group shall be in any readable
13 form that clearly indicates that the petition is a petition
14 requesting the Commission to recognize the Indian group
15 as an Indian tribe and that contains detailed, specific evi-
16 dence concerning each of the following items:

17 (1) STATEMENT OF FACTS.—A statement of
18 facts establishing that the petitioner has been identi-
19 fied as an American Indian entity on a substantially
20 continuous basis since 1871. Evidence that the char-
21 acter of the group as an Indian entity has from time
22 to time been denied shall not be considered to be
23 conclusive evidence that this criterion has not been
24 met. Evidence that the Commission may rely on in

1 determining the Indian identity of a group may in-
2 clude any one or more of the following items:

3 (A) IDENTIFICATION OF PETITIONER.—An
4 identification of the petitioner as an Indian en-
5 tity by any department, agency, or instrumen-
6 tality of the Federal Government.

7 (B) RELATIONSHIP OF PETITIONER WITH
8 STATE GOVERNMENT.—A relationship between
9 the petitioner and any State government, based
10 on an identification of the petitioner as an In-
11 dian entity.

12 (C) RELATIONSHIP OF PETITIONER WITH
13 A POLITICAL SUBDIVISION OF A STATE.—Deal-
14 ings of the petitioner with a county or political
15 subdivision of a State in a relationship based on
16 the Indian identity of the petitioner.

17 (D) IDENTIFICATION OF PETITIONER ON
18 THE BASIS OF CERTAIN RECORDS.—An identi-
19 fication of the petitioner as an Indian entity by
20 records in a private or public archive, court-
21 house, church, or school.

22 (E) IDENTIFICATION OF PETITIONER BY
23 CERTAIN EXPERTS.—An identification of the
24 petitioner as an Indian entity by an anthropolo-
25 gist, historian, or other scholar.

1 (F) IDENTIFICATION OF PETITIONER BY
2 CERTAIN MEDIA.—An identification of the peti-
3 tioner as an Indian entity in a newspaper, book,
4 or similar medium.

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

10 (H) IDENTIFICATION OF PETITIONER BY A
11 FOREIGN GOVERNMENT OR INTERNATIONAL OR-
12 GANIZATION.—An identification of the peti-
13 tioner as an Indian entity by a foreign govern-
14 ment or an international organization.

15 (I) OTHER EVIDENCE OF IDENTIFICA-
16 TION.—Such other evidence of identification as
17 may be provided by a person or entity other
18 than the petitioner or a member of the member-
19 ship of the petitioner.

20 (2) EVIDENCE OF COMMUNITY.—

21 (A) IN GENERAL.—A statement of facts
22 establishing that a predominant portion of the
23 membership of the petitioner—

1 (i) comprises a community distinct
2 from those communities surrounding such
3 community; and

4 (ii) has existed as a community from
5 historical times to the present.

6 (B) EVIDENCE.—Evidence that the Com-
7 mission may rely on in determining that the pe-
8 titioner meets the criterion described in clauses
9 (i) and (ii) of subparagraph (A) may include
10 one or more of the following items:

11 (i) MARRIAGES.—Significant rates of
12 marriage within the group, or, as may be
13 culturally required, patterned out-mar-
14 riages with other Indian populations.

15 (ii) SOCIAL RELATIONSHIPS.—Signifi-
16 cant social relationships connecting individ-
17 ual members.

18 (iii) SOCIAL INTERACTION.—Signifi-
19 cant rates of informal social interaction
20 which exist broadly among the members of
21 a group.

22 (iv) SHARED ECONOMIC ACTIVITY.—A
23 significant degree of shared or cooperative
24 labor or other economic activity among the
25 membership.

1 (v) DISCRIMINATION OR OTHER SO-
2 CIAL DISTINCTIONS.—Evidence of strong
3 patterns of discrimination or other social
4 distinctions by nonmembers.

5 (vi) SHARED RITUAL ACTIVITY.—
6 Shared sacred or secular ritual activity en-
7 compassing most of the group.

8 (vii) CULTURAL PATTERNS.—Cultural
9 patterns that—

10 (I) are shared among a signifi-
11 cant portion of the group that are dif-
12 ferent from the cultural patterns of
13 the non-Indian populations with whom
14 the group interacts;

15 (II) function as more than a
16 symbolic identification of the group as
17 Indian; and

18 (III) may include language, kin-
19 ship or religious organizations, or reli-
20 gious beliefs and practices.

21 (viii) COLLECTIVE INDIAN IDEN-
22 TITY.—The persistence of a named, collec-
23 tive Indian identity continuously over a pe-
24 riod of more than 50 years, notwithstand-
25 ing changes in name.

1 (ix) HISTORICAL POLITICAL INFLU-
2 ENCE.—A demonstration of historical po-
3 litical influence pursuant to the criterion
4 set forth in paragraph (3).

5 (C) CRITERIA FOR SUFFICIENT EVI-
6 DENCE.—The Commission shall consider the
7 petitioner to have provided sufficient evidence
8 of community at a given point in time if the pe-
9 titioner has provided evidence that dem-
10 onstrates any one of the following:

11 (i) RESIDENCE OF MEMBERS.—More
12 than 50 percent of the members of the
13 group of the petitioner reside in a particu-
14 lar geographical area exclusively or almost
15 exclusively composed of members of the
16 group, and the balance of the group main-
17 tains consistent social interaction with
18 some members of the community.

19 (ii) MARRIAGES.—Not less than 50
20 percent of the marriages of the group are
21 between members of the group.

22 (iii) DISTINCT CULTURAL PAT-
23 TERNES.—Not less than 50 percent of the
24 members of the group maintain distinct
25 cultural patterns including language, kin-

1 ship or religious organizations, or religious
2 beliefs or practices.

3 (iv) COMMUNITY SOCIAL INSTITU-
4 TIONS.—Distinct community social institu-
5 tions encompassing a substantial portion of
6 the members of the group, such as kinship
7 organizations, formal or informal economic
8 cooperation, or religious organizations.

9 (v) APPLICABILITY OF CRITERIA.—
10 The group has met the criterion in para-
11 graph (3) using evidence described in para-
12 graph (3)(B).

13 (3) AUTONOMOUS ENTITY.—

14 (A) IN GENERAL.—A statement of facts
15 establishing that the petitioner has maintained
16 political influence or authority over its members
17 as an autonomous entity from historical times
18 until the time of the petition. The Commission
19 may rely on one or more of the following items
20 in determining whether a petitioner meets the
21 criterion described in the preceding sentence:

22 (i) MOBILIZATION OF MEMBERS.—
23 The group is capable of mobilizing signifi-
24 cant numbers of members and significant

1 resources from its members for group pur-
2 poses.

3 (ii) ISSUES OF PERSONAL IMPOR-
4 TANCE.—Most of the membership of the
5 group considers issues acted upon or taken
6 by group leaders or governing bodies to be
7 of personal importance.

8 (iii) POLITICAL PROCESS.—There is a
9 widespread knowledge, communication, and
10 involvement in political processes by most
11 of the members of the group.

12 (iv) LEVEL OF APPLICATION OF CRI-
13 TERIA.—The group meets the criterion de-
14 scribed in paragraph (2) at more than a
15 minimal level.

16 (v) INTRAGROUP CONFLICTS.—There
17 are intragroup conflicts which show con-
18 troversy over valued group goals, prop-
19 erties, policies, processes, or decisions.

20 (B) EVIDENCE OF EXERCISE OF POLITICAL
21 INFLUENCE OR AUTHORITY.—The Commission
22 shall consider that a petitioner has provided
23 sufficient evidence to demonstrate the exercise
24 of political influence or authority at a given
25 point in time by demonstrating that group lead-

1 ers or other mechanisms exist or have existed
2 that accomplish the following:

3 (i) ALLOCATION OF GROUP RE-
4 SOURCES.—Allocate group resources such
5 as land, residence rights, or similar re-
6 sources on a consistent basis.

7 (ii) SETTLEMENT OF DISPUTES.—Set-
8 tle disputes between members or subgroups
9 such as clans or moieties by mediation or
10 other means on a regular basis.

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

17 (iv) ECONOMIC SUBSISTENCE ACTIVI-
18 TIES.—Organize or influence economic
19 subsistence activities among the members,
20 including shared or cooperative labor.

21 (C) TEMPORALITY OF SUFFICIENCY OF
22 EVIDENCE.—A group that has met the require-
23 ments of paragraph (2)(C) at any point in time
24 shall be considered to have provided sufficient

1 evidence to meet the criterion described in sub-
2 paragraph (A) at such point in time.

3 (4) GOVERNING DOCUMENT.—A copy of the
4 then present governing document of the petitioner
5 that includes the membership criteria of the peti-
6 tioner. In the absence of a written document, the pe-
7 titioner shall be required to provide a statement de-
8 scribing in full the membership criteria of the peti-
9 tioner and the then current governing procedures of
10 the petitioner.

11 (5) LIST OF MEMBERS.—

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

20 (B) REQUIREMENTS FOR MEMBERSHIP.—
21 In order for the Commission to consider the
22 members of the group to be members of an In-
23 dian tribe for the purposes of the petition, such
24 membership shall be required to consist of es-
25 tablished descendance from an Indian group

1 that existed historically, or from historical In-
2 dian groups that combined and functioned as a
3 single autonomous entity.

4 (C) EVIDENCE OF TRIBAL MEMBERSHIP.—
5 Evidence of tribal membership required by the
6 Commission for a determination of tribal mem-
7 bership shall include the following items:

8 (i) DESCENDANCY ROLLS.—
9 Descendancy rolls prepared by the Sec-
10 retary for the petitioner for purposes of
11 distributing claims money, providing allot-
12 ments, or other purposes.

13 (ii) CERTAIN OFFICIAL RECORDS.—
14 State, Federal, or other official records or
15 evidence identifying then present members
16 of the petitioner, or ancestors of then
17 present members of the petitioner, as being
18 descendants of a historic tribe or historic
19 tribes that combined and functioned as a
20 single autonomous political entity.

21 (iii) ENROLLMENT RECORDS.—
22 Church, school, and other similar enroll-
23 ment records identifying then present
24 members or ancestors of then present
25 members as being descendants of a historic

1 tribe or historic tribes that combined and
2 functioned as a single autonomous political
3 entity.

4 (iv) AFFIDAVITS OF RECOGNITION.—
5 Affidavits of recognition by tribal elders,
6 leaders, or the tribal governing body identi-
7 fying then present members or ancestors of
8 then present members as being descend-
9 ants of 1 or more historic tribes that com-
10 bined and functioned as a single autono-
11 mous political entity.

12 (v) OTHER RECORDS OR EVIDENCE.—
13 Other records or evidence identifying then
14 present members or ancestors of then
15 present members as being descendants of 1
16 or more historic tribes that combined and
17 functioned as a single autonomous political
18 entity.

19 (c) EXCEPTIONS.—A petition from an Indian group
20 that is able to demonstrate by a preponderance of the evi-
21 dence that the group was, or is the successor in interest
22 to, a—

23 (1) party to a treaty or treaties;

24 (2) group acknowledged by any agency of the
25 Federal Government as eligible to participate under

1 the Act of June 18, 1934 (commonly referred to as
2 the “Indian Reorganization Act”) (48 Stat. 984 et
3 seq., chapter 576; 25 U.S.C. 461 et seq.);

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

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

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

15 (d) DEADLINE FOR SUBMISSION OF PETITIONS.—No
16 Indian group may submit a petition to the Commission
17 requesting that the Commission recognize an Indian group
18 as an Indian tribe after the date that is 6 years after the
19 date of enactment of this Act. After the Commission
20 makes a determination on each petition submitted prior
21 to such date, the Commission may not make any further
22 determination under this Act to recognize any Indian
23 group as an Indian tribe.

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

25 (a) PETITIONER.—

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

4 (A) send an acknowledgement of receipt in
5 writing to the petitioner; and

6 (B) publish in the Federal Register a no-
7 tice of such receipt, including the name, loca-
8 tion, and mailing address of the petitioner and
9 such other information that—

10 (i) identifies the entity that submitted
11 the petition and the date the petition was
12 received by the Commission;

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

15 (iii) indicates whether the petition is a
16 transferred petition that is subject to the
17 special provisions under paragraph (2).

18 (2) SPECIAL PROVISIONS FOR TRANSFERRED
19 PETITIONS.—

20 (A) IN GENERAL.—With respect to a peti-
21 tion that is transferred to the Commission
22 under section 5(a)(3), the notice provided to the
23 petitioner, shall, in addition to providing the in-
24 formation specified in paragraph (1), inform
25 the petitioner whether the petition constitutes a

1 documented petition that meets the require-
2 ments of section 5.

3 (B) AMENDED PETITIONS.—If the petition
4 described in subparagraph (A) is not a docu-
5 mented petition, the Commission shall notify
6 the petitioner that the petitioner may, not later
7 than 90 days after the date of the notice, sub-
8 mit to the Commission an amended petition
9 that is a documented petition for review under
10 section 7.

11 (C) EFFECT OF AMENDED PETITION.—To
12 the extent practicable, the submission of an
13 amended petition by a petitioner by the date
14 specified in this paragraph shall not affect the
15 order of consideration of the petition by the
16 Commission.

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

22 (c) PUBLICATION; OPPORTUNITY FOR SUPPORTING
23 OR OPPOSING SUBMISSIONS.—

24 (1) PUBLICATION.—The Commission shall pub-
25 lish the notice of receipt of each petition (including

1 any amended petition submitted pursuant to sub-
2 section (a)(2)) in a major newspaper of general cir-
3 culation in the town or city located nearest the loca-
4 tion of the petitioner.

5 (2) OPPORTUNITY FOR SUPPORTING OR OPPOS-
6 ING SUBMISSIONS.—

7 (A) IN GENERAL.—Each notice published
8 under paragraph (1) shall include, in addition
9 to the information described in subsection (a),
10 notice of opportunity for other parties to submit
11 factual or legal arguments in support of or in
12 opposition to, the petition.

13 (B) COPY TO PETITIONER.—A copy of any
14 submission made under subparagraph (A) shall
15 be provided to the petitioner upon receipt by
16 the Commission.

17 (C) RESPONSE.—The petitioner shall be
18 provided an opportunity to respond to any sub-
19 mission made under subparagraph (A) prior to
20 a determination on the petition by the Commis-
21 sion.

22 **SEC. 7. PROCESSING THE PETITION.**

23 (a) REVIEW.—

24 (1) IN GENERAL.—Upon receipt of a docu-
25 mented petition submitted or transferred under sec-

1 tion 5(a) or submitted under section 6(a)(2)(B), the
2 Commission shall conduct a review to determine
3 whether the petitioner is entitled to be recognized as
4 an Indian tribe.

5 (2) CONTENT OF REVIEW.—The review con-
6 ducted under paragraph (1) shall include consider-
7 ation of the petition, supporting evidence, and the
8 factual statements contained in the petition.

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

11 (A) initiate other research for any purpose
12 relative to analyzing the petition and obtaining
13 additional information about the status of the
14 petitioner; and

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

17 (4) ACCESS TO LIBRARY OF CONGRESS AND NA-
18 TIONAL ARCHIVES.—Upon request by the petitioner,
19 the appropriate officials of the Library of Congress
20 and the National Archives shall allow access by the
21 petitioner to the resources, records, and documents
22 of such entities, for the purpose of conducting re-
23 search and preparing evidence concerning the status
24 of the petitioner.

25 (b) CONSIDERATION.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection, petitions submitted or
3 transferred to the Commission shall be considered
4 on a first come, first served basis, determined by the
5 date of the original filing of each such petition with
6 the Commission (or the Department if the petition
7 is transferred to the Commission pursuant to section
8 5(a) or is an amended petition submitted pursuant
9 to section 6(a)(2)(B)). The Commission shall estab-
10 lish a priority register that includes petitions that
11 are pending before the Department on the date of
12 enactment of this Act.

13 (2) PRIORITY CONSIDERATION.—Each petition
14 (that is submitted or transferred to the Commission
15 pursuant to section 5(a) or that is submitted to the
16 Commission pursuant to section 6(a)(2)(B)) of an
17 Indian group that meets one or more of the require-
18 ments set forth in section 5(c) shall receive priority
19 consideration over a petition submitted by any other
20 Indian group.

21 **SEC. 8. PRELIMINARY HEARING.**

22 (a) IN GENERAL.—Not later than 60 days after the
23 receipt of a documented petition by the Commission sub-
24 mitted or transferred under section 5(a) or submitted to
25 the Commission pursuant to section 6(a)(2)(B), the Com-

1 mission shall set a date for a preliminary hearing. At the
2 preliminary hearing, the petitioner and any other con-
3 cerned party may provide evidence concerning the status
4 of the petitioner.

5 (b) DETERMINATION.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the conclusion of a preliminary hearing under sub-
8 section (a), the Commission shall make a determina-
9 tion—

10 (A) to extend Federal acknowledgment of
11 the petitioner as an Indian tribe to the peti-
12 tioner; or

13 (B) that provides that the petitioner
14 should proceed to an adjudicatory hearing.

15 (2) NOTICE OF DETERMINATION.—The Com-
16 mission shall publish in the Federal Register a no-
17 tice of each determination made under paragraph
18 (1).

19 (c) INFORMATION TO BE PROVIDED PREPARATORY
20 TO AN ADJUDICATORY HEARING.—

21 (1) IN GENERAL.—If the Commission makes a
22 determination under subsection (b)(1)(B) that the
23 petitioner should proceed to an adjudicatory hearing,
24 the Commission shall—

1 (A)(i) make available appropriate evi-
2 dentiary records of the Commission to the peti-
3 tioner to assist the petitioner in preparing for
4 the adjudicatory hearing; and

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

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

15 (2) SUBJECT OF ADJUDICATORY HEARING.—
16 The list of deficiencies and omissions provided by
17 the Commission to a petitioner under paragraph
18 (1)(B) shall be the subject of the adjudicatory hear-
19 ing. The Commission may not make any additions to
20 the list after the Commission issues the list.

21 **SEC. 9. ADJUDICATORY HEARING.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 conclusion of a preliminary hearing under section 8(a), the
24 Commission shall afford a petitioner who is subject to sec-
25 tion 8(b)(1)(B) an adjudicatory hearing. The subject of

1 the adjudicatory hearing shall be the list of deficiencies
2 and omissions provided under section 8(c)(1)(B) and shall
3 be conducted pursuant to section 554 of title 5, United
4 States Code.

5 (b) TESTIMONY FROM STAFF OF COMMISSION.—In
6 any hearing held under subsection (a), the Commission
7 may require testimony from the acknowledgement and re-
8 search staff of the Commission or other witnesses. Any
9 such testimony shall be subject to cross-examination by
10 the petitioner.

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

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

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

20 (2) publish the determination of the Commis-
21 sion under paragraph (1) in the Federal Register;
22 and

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

1 **SEC. 10. APPEALS.**

2 (a) IN GENERAL.—Not later than 60 days after the
3 date that the Commission publishes a determination under
4 section 9(d), the petitioner may appeal the determination
5 to the United States District Court for the District of
6 Columbia.

7 (b) ATTORNEY FEES.—If the petitioner prevails in
8 an appeal made under subsection (a), the petitioner shall
9 be eligible for an award of reasonable attorney fees and
10 costs under section 504 of title 5, United States Code,
11 or section 2412 of title 28 of such Code, whichever is ap-
12 plicable.

13 **SEC. 11. EFFECT OF DETERMINATIONS.**

14 A determination by the Commission under section
15 9(d) that an Indian group is recognized by the Federal
16 Government as an Indian tribe shall not have the effect
17 of depriving or diminishing—

18 (1) the right of any other Indian tribe to govern
19 the reservation of such other tribe as such reserva-
20 tion existed prior to the recognition of such Indian
21 group, or as such reservation may exist thereafter;

22 (2) any property right held in trust or recog-
23 nized by the United States for such other Indian
24 tribe as such property existed prior to the recogni-
25 tion of such Indian group; or

1 (3) any previously or independently existing
2 claim by a petitioner to any such property right held
3 in trust by the United States for such other Indian
4 tribe prior to the recognition by the Federal Govern-
5 ment of such Indian group as an Indian tribe.

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

7 (a) ELIGIBILITY FOR SERVICES AND BENEFITS.—

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

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

18 (B) have the responsibilities, obligations,
19 privileges, and immunities of such Indian tribes.

20 (2) PROGRAMS OF THE BUREAU.—

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

1 (B) AVAILABILITY OF PROGRAMS.—

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

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

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

15 (1) IN GENERAL.—Not later than 180 days
16 after an Indian group is recognized by the Commis-
17 sion as an Indian tribe under this Act, the appro-
18 priate officials of the Bureau and the Indian Health
19 Service of the Department of Health and Human
20 Services shall consult and develop in cooperation
21 with the Indian tribe, and forward to the Secretary
22 or the Secretary of Health and Human Services, as
23 appropriate, a determination of the needs of the In-
24 dian tribe and a recommended budget required to
25 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**
11 **ACTIVITIES.**

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 enactment of this Act,
23 and annually thereafter, the Commission shall pre-
24 pare and submit a report to the Committee on In-
25 dian Affairs of the Senate and the Committee on

1 Resources of the House of Representatives that de-
2 scribes the activities of the Commission.

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

6 (A) the number of petitions pending at the
7 beginning of the year and the names of the pe-
8 titioners;

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

11 (C) the number of petitions the Commis-
12 sion approved for acknowledgment during the
13 year and the names of the acknowledged peti-
14 tioners;

15 (D) the number of petitions the Commis-
16 sion denied for acknowledgment during the year
17 and the names of the petitioners; and

18 (E) the status of all pending petitions on
19 the date of the report and the names of the pe-
20 tioners.

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

22 Any petitioner may bring an action in the district
23 court of the United States for the district in which the
24 petitioner resides, or the United States District Court for
25 the District of Columbia, to enforce the provisions of this

1 Act, including any time limitations within which actions
2 are required to be taken, or decisions made, under this
3 Act. The district court shall issue such orders (including
4 writs of mandamus) as may be necessary to enforce the
5 provisions of this Act.

6 **SEC. 15. REGULATIONS.**

7 The Commission may, in accordance with applicable
8 requirements of title 5, United States Code, promulgate
9 and publish such regulations as may be necessary to carry
10 out this Act.

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

12 (a) **GUIDELINES.**—Not later than 90 days after the
13 first meeting of the Commission, the Commission shall
14 make available to Indian groups suggested guidelines for
15 the format of petitions, including general suggestions and
16 guidelines concerning where and how to research informa-
17 tion that is required to be included in a petition. The ex-
18 amples included in the guidelines shall not preclude the
19 use of any other appropriate format.

20 (b) **RESEARCH ADVICE.**—The Commission may, upon
21 request, provide suggestions and advice to any petitioner
22 with respect to the research of the petitioner concerning
23 the historical background and Indian identity of such peti-
24 tioner. The Commission shall not be responsible for con-
25 ducting research on behalf of the petitioner.

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

2 (a) GRANTS.—

3 (1) IN GENERAL.—The Secretary of Health and
4 Human Services may award grants to Indian groups
5 seeking Federal recognition as Indian tribes to en-
6 able the Indian groups to—

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

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

11 (2) TREATMENT OF GRANTS.—The grants
12 made under this subsection shall be in addition to
13 any other grants the Secretary of Health and
14 Human Services is authorized to provide under any
15 other provision of law.

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

20 **SEC. 18. 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)—

24 (1) \$1,500,000 for fiscal year 1996; and

25 (2) \$1,500,000 for each of fiscal years 1997
26 through 2008.

1 (b) SECRETARY OF HHS.—To carry out section 17,
2 there are authorized to be appropriated to the Department
3 of Health and Human Services for the Administration for
4 Native Americans \$500,000 for each of fiscal years 1996
5 through 2007.

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