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H. R. 4462

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

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1994

Mr. RICHARDSON (for himself and Mr. THOMAS of Wyoming) introduced the following bill; which was referred to the Committee on Natural 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 Federal Rec-
5 ognition Administrative Procedures Act of 1994”.

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 the protection,
2 services, and benefits available from the Federal
3 Government pursuant to the Federal trust respon-
4 sibility;

5 (3) to provide clear and consistent standards of
6 administrative review of recognition petitions for In-
7 dian groups; and

8 (4) to expedite the administrative review proc-
9 ess by providing definitive timelines for review and
10 adequate resources to process recognition petitions.

11 **SEC. 3. DEFINITIONS.**

12 For purposes of this Act:

13 (1) The term “aboriginal group” means any In-
14 dian entity whose members inhabited or whose range
15 extended into any part of the area now constituting
16 the United States of America, Canada, or the Unit-
17 ed States of Mexico prior to the first sustained con-
18 tact of such members with Euro-Americans.

19 (2) The term “autonomous”, in the context of
20 decisionmaking, means having its own tribal council,
21 internal process, or other organizational mechanism
22 which the Indian group has used as its own means
23 of making decisions independent of the control of
24 any other Indian tribe, and in using such term for
25 purposes of this Act, such term must be understood

1 in the context of the culture and social organization
2 of that Indian group.

3 (3) The term “Bureau” means the Bureau of
4 Indian Affairs of the Department of the Interior.

5 (4) The term “Commission” means the Com-
6 mission on Indian Recognition established under sec-
7 tion 4.

8 (5) The term “community” means any people
9 living within such a reasonable proximity as to allow
10 group interaction and maintenance of tribal rela-
11 tions.

12 (6) The term “continuous” means, with respect
13 to any Indian group, extending from generation to
14 generation throughout the Indian group’s history es-
15 sentially without interruption.

16 (7) The term “Department” means the Depart-
17 ment of the Interior.

18 (8) The term “historical” means dating back to
19 the earliest documented contact between—

20 (A) the aboriginal group from which the
21 petitioners descended; and

22 (B) citizens or officials of the United
23 States, colonial or territorial governments, or
24 citizens and officials of foreign governments.

1 (9) The term “Indian group” means any Indian
2 entity that—

3 (A) is located within any of the States of
4 the United States; and

5 (B) is not recognized by the Secretary to
6 be an Indian tribe.

7 (10) The term “Indian tribe” means any Indian
8 entity that—

9 (A) is located within any of the States of
10 the United States; and

11 (B) is recognized by the Secretary to be an
12 Indian tribe.

13 (11) The term “Indian” means any individual
14 who is a descendant of an aboriginal group.

15 (12) The term “member of an Indian group”
16 means an individual who—

17 (A) is recognized by an Indian group as
18 meeting its membership criteria;

19 (B) consents to being listed as a member
20 of that group; and

21 (C) is not a member of any Indian tribe.

22 (13) The term “member of an Indian tribe”
23 means an individual who—

24 (A) meets the membership requirements of
25 the Indian tribe, as set forth in its governing

1 document or recognized collectively by those
2 persons comprising the governing body of the
3 Indian tribe; and

4 (B) has continuously maintained tribal re-
5 lations with the tribe or is listed on the tribal
6 rolls of that Indian tribe as a member if such
7 rolls are maintained.

8 (14) The term “petition” means a petition sub-
9 mitted to the Commission under section 5 or trans-
10 ferred to the Commission under section 5 of this
11 Act.

12 (15) The term “petitioner” means any entity
13 which has submitted, or submits, a petition to the
14 Secretary requesting recognition that the entity is an
15 Indian tribe.

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

18 (17) The term “treaty” means any treaty—

19 (A) negotiated and ratified by the United
20 States with, or on behalf of, any Indian group;

21 (B) made by any sovereign with, or on be-
22 half of, any Indian group from which the
23 United States acquired territory by purchase,
24 conquest, or cession; or

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

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

6 (a) ESTABLISHMENT.—There is established, as an
7 independent commission, the Commission on Indian Rec-
8 ognition.

9 (b) MEMBERSHIP.—(1)(A) The Commission shall
10 consist of three members appointed by the President, by
11 and with the advice and consent of the Senate.

12 (B) In making appointments to the Commission, the
13 President shall give careful consideration to—

14 (i) recommendations received from Indian
15 tribes; and

16 (ii) individuals who have a background in In-
17 dian law or policy, anthropology, genealogy, or his-
18 tory.

19 (2) No more than two members of the Commission
20 may be members of the same political party.

21 (3) Each member of the Commission shall be ap-
22 pointed for a term of four years.

23 (4) Any vacancy in the Commission shall not affect
24 its powers, but shall be filled in the same manner in which
25 the original appointment was made. Any member ap-

1 pointed to fill a vacancy occurring before the expiration
2 of the term for which the member's predecessor was ap-
3 pointed shall be appointed only for the remainder of that
4 term. A member may serve after the expiration of that
5 member's term until a successor has taken office.

6 (5)(A) Each member of the Commission not other-
7 wise employed by the United States Government shall re-
8 ceive compensation at a rate equal to the daily equivalent
9 of the annual rate of basic pay prescribed for level V of
10 the Executive Schedule under section 5316 of title 5,
11 United States Code, for each day, including traveltime,
12 such member is engaged in the actual performance of du-
13 ties authorized by the Commission.

14 (B) Except as provided in subparagraph (C), a mem-
15 ber of the Commission who is otherwise an officer or em-
16 ployee of the United States Government shall serve on the
17 Commission without additional compensation, but such
18 service shall be without interruption or loss of civil service
19 status or privilege.

20 (C) All members of the Commission shall be reim-
21 bursed for travel and per diem in lieu of subsistence ex-
22 penses during the performance of duties of the Commis-
23 sion while away from home or their regular place of busi-
24 ness, in accordance with subchapter I of chapter 57 of
25 title 5, United States Code.

1 (6) At the time appointments are made under para-
2 graph (1), the President shall designate one of such ap-
3 pointees as Chairman of the Commission.

4 (c) MEETINGS AND PROCEDURES.—(1) The Commis-
5 sion shall hold its first meeting no later than 30 days after
6 the date on which all members of the Commission have
7 been appointed and confirmed by the Senate.

8 (2) Two members of the Commission shall constitute
9 a quorum for the transaction of business.

10 (3) The Commission may adopt such rules (consistent
11 with the provisions of this Act) as may be necessary to
12 establish its procedures and to govern the manner of its
13 operations, organization, and personnel.

14 (4) The principal office of the Commission shall be
15 in the District of Columbia.

16 (d) DUTIES.—The Commission shall carry out the
17 duties assigned to the Commission by this Act, and shall
18 meet the requirements imposed on the Commission by this
19 Act.

20 (e) POWERS AND AUTHORITIES.—(1) Subject to such
21 rules and regulations as may be adopted by the Commis-
22 sion, the Chairman of the Commission is authorized to—

23 (A) appoint, terminate, and fix the compensa-
24 tion (without regard to the provisions of title 5,
25 United States Code, governing appointments in the

1 competitive service, and without regard to the provi-
2 sions of chapter 51 and subchapter III of chapter 53
3 of such title, or of any other provision of law, relat-
4 ing to the number, classification, and General
5 Schedule rates) of an Executive Director of the
6 Commission and of such other personnel as the
7 Chairman deems advisable to assist in the perform-
8 ance of the duties of the Commission, at a rate not
9 to exceed a rate equal to the daily equivalent of the
10 annual rate of basic pay prescribed for level V of the
11 Executive Schedule under section 5316 of title 5,
12 United States Code; and

13 (B) procure, as authorized by section 3109(b)
14 of title 5, United States Code, temporary and inter-
15 mittent services to the same extent as is authorized
16 by law for agencies in the executive branch, but at
17 rates not to exceed the daily equivalent of the annual
18 rate of basic pay prescribed for level V of the Execu-
19 tive Schedule under section 5316 of such title.

20 (2) The Commission is authorized to—

21 (A) hold such hearings and sit and act at such
22 times;

23 (B) take such testimony;

24 (C) have such printing and binding done;

1 (D) enter into such contracts and other ar-
2 rangements, subject to the availability of funds;

3 (E) make such expenditures; and

4 (F) take such other actions,

5 as the Commission may deem advisable. Any member of
6 the Commission may administer oaths or affirmations to
7 witnesses appearing before the Commission.

8 (3)(A) The Commission is authorized to secure di-
9 rectly from any officer, department, agency, establish-
10 ment, or instrumentality of the Federal Government such
11 information as the Commission may require for the pur-
12 pose of this Act, and each such officer, department, agen-
13 cy, establishment, or instrumentality is authorized and di-
14 rected to furnish, to the extent permitted by law, such in-
15 formation, suggestions, estimates, and statistics directly to
16 the Commission, upon request made by the Chairman of
17 the Commission.

18 (B) Upon the request of the Chairman of the Com-
19 mission, the head of any Federal department, agency, or
20 instrumentality is authorized to make any of the facilities
21 and services of such department, agency, or instrumentality
22 available to the Commission and detail any of the per-
23 sonnel of such department, agency, or instrumentality to
24 the Commission, on a nonreimbursable basis, to assist the
25 Commission in carrying out its duties under this section.

1 (C) The Commission may use the United States mails
2 in the same manner and under the same conditions as
3 other departments and agencies of the United States.

4 (f) FEDERAL ADVISORY COMMITTEE ACT.—The pro-
5 visions of the Federal Advisory Committee Act shall not
6 apply to the Commission.

7 **SEC. 5. PETITIONS FOR RECOGNITION.**

8 (a) IN GENERAL.—(1) Any Indian group may submit
9 to the Commission a petition requesting that the Commis-
10 sion recognize that the Indian group is an Indian tribe.

11 (2) The provisions of this Act do not apply to the
12 following groups or entities, which shall not be eligible for
13 recognition under this Act—

14 (A) Indian tribes, organized bands, pueblos,
15 communities, and Alaska Native entities which are
16 recognized by the Secretary as of the date of enact-
17 ment of this Act as eligible to receive services from
18 the Bureau;

19 (B) splinter groups, political factions, commu-
20 nities, or groups of any character which separate
21 from the main body of an Indian tribe that, at the
22 time of such separation, is recognized as being an
23 Indian tribe by the Secretary, unless it can be clear-
24 ly established that the group, faction, or community

1 has functioned throughout history until the date of
2 such petition as an autonomous Indian tribal entity;

3 (C) groups, or successors in interest of groups,
4 that prior to the date of enactment of this Act, have
5 petitioned for and been denied or refused recognition
6 as an Indian tribe under regulations prescribed by
7 the Secretary; and

8 (D) any Indian group whose relationship with
9 the Federal Government was expressly terminated
10 by an Act of Congress.

11 (3) No later than 30 days after the date on which
12 all of the members of the Commission have been appointed
13 and confirmed by the Senate, the Secretary shall transfer
14 to the Commission all petitions pending before the Depart-
15 ment that request the Secretary, or the Federal Govern-
16 ment, to recognize or acknowledge an Indian group as an
17 Indian tribe. On the date of such transfer, the Secretary
18 and the Department shall cease to have any authority to
19 recognize or acknowledge, on behalf of the Federal Gov-
20 ernment, any Indian group as an Indian tribe. Petitions
21 transferred to the Commission under this paragraph shall,
22 for purposes of this Act, be considered as having been sub-
23 mitted to the Commission as of the date of such transfer.

24 (b) PETITION FORM AND CONTENT.—Except as pro-
25 vided in subsection (c), any petition submitted under sub-

1 section (a) by an Indian group shall be in a form which
2 clearly indicates that it is a petition requesting the Com-
3 mission to recognize that the Indian group is an Indian
4 tribe and shall contain each of the following:

5 (1) A statement of facts establishing that the
6 petitioner has been identified from historical times
7 until the present, on a substantially continuous
8 basis, as an Indian entity, except that a petitioner
9 shall not be considered as having failed to satisfy
10 any requirement of this subsection merely because of
11 fluctuations of tribal activity during various years.
12 Evidence which can be offered to demonstrate In-
13 dian identity of the petitioner on a substantially con-
14 tinuous basis shall include one or more of the follow-
15 ing:

16 (A) Repeated identification of the peti-
17 tioner as an Indian entity by Federal authori-
18 ties.

19 (B) Longstanding relationships of the peti-
20 tioner with State governments based on identi-
21 fication of the petitioner as an Indian entity.

22 (C) Repeated dealings of the petitioner
23 with a county, parish, or other local government
24 in a relationship based on the Indian identity of
25 the petitioner.

1 (D) Repeated identification of the peti-
2 tioner as an Indian entity by records in private
3 or public archives courthouses, churches, or
4 schools.

5 (E) Repeated identification of the peti-
6 tioner as an Indian entity by anthropologists,
7 historians, or other scholars.

8 (F) Repeated identification of the peti-
9 tioner as an Indian entity in newspapers, books,
10 or similar media.

11 (G) Repeated identification of the peti-
12 tioner as an Indian entity by, and dealings of
13 the petitioner as an Indian entity with, Indian
14 tribes, aboriginal groups or recognized national
15 Indian organizations.

16 (2) Evidence that—

17 (A) a substantial portion of the member-
18 ship of the petitioner lives in an Indian commu-
19 nity which is distinct from other populations in
20 the area; and

21 (B) members of the petitioner are descend-
22 ants of an Indian group or groups which his-
23 torically inhabited a specific area.

24 (3) A statement of facts which establishes that
25 the petitioner has maintained tribal political influ-

1 ence or other authority over its members as an au-
2 tonomous entity from historical times until the
3 present.

4 (4) A copy of the present governing document
5 of the petitioner describing in the full membership
6 criteria of the petitioner and the procedures through
7 which the petitioner currently governs its affairs and
8 members.

9 (5) A list of all current members of the peti-
10 tioner and their current addresses and a copy of
11 each available former list of members based on the
12 petitioner's own defined criteria. The membership
13 must consist of individuals who have established
14 descendancy from an Indian group which existed
15 historically or from historical Indian groups which
16 combined and functioned as a single autonomous en-
17 tity. Evidence of tribal membership required by the
18 Commission includes (but is not limited to)—

19 (A) descendancy rolls prepared by the Sec-
20 retary for the petitioner for purposes of distrib-
21 uting claims money, providing allotments, or
22 other purposes;

23 (B) State, Federal, or other official records
24 or evidence identifying present members of the
25 petitioner, or ancestors of present members of

1 the petitioner, as being an Indian descendant
2 and a member of the petitioner;

3 (C) church, school, and other similar en-
4 rollment records indicating membership in the
5 petitioner;

6 (D) affidavits of recognition by tribal el-
7 ders, leaders, or the tribal governing body as
8 being an Indian descendant of the Indian group
9 and a member of the petitioner; and

10 (E) other records or evidence identifying
11 the person as a member of the petitioner.

12 (c) A petition from an Indian group which can dem-
13 onstrate by a preponderance of the evidence that it was
14 or is the successor in interest to—

15 (1) a party to a treaty or treaties with the Fed-
16 eral Government; or

17 (2) a group acknowledged by any agency of the
18 Federal Government as eligible to participate in the
19 Indian Reorganization Act of 1934 (25 U.S.C. 461
20 et. seq.),

21 shall be required to establish the criteria set forth in sub-
22 section (b)(1) only from the date of the treaty or acknowl-
23 edgement of eligibility to the present.

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

2 (a) PETITIONER.—Within 30 days after a petition is
3 submitted or transferred to the Commission under section
4 5(a), the Commission shall send an acknowledgement of
5 receipt in writing to the petitioner and shall have pub-
6 lished in the Federal Register a notice of such receipt, in-
7 cluding the name, location, and mailing address of the pe-
8 titioner and such other information that will identify the
9 entity who submitted the petition and the date the petition
10 was received by the Commission. The notice shall also in-
11 dicate where a copy of the petition may be examined.

12 (b) OTHERS.—The Commission shall also notify, in
13 writing, the Governor and attorney general of, and each
14 recognized Indian tribe within, any State in which a peti-
15 tioner resides.

16 (c) PUBLICATION; OPPORTUNITY FOR SUPPORTING
17 OR OPPOSING SUBMISSIONS.—The Commission shall pub-
18 lish the notice of receipt of the petition in a major news-
19 paper of general circulation in the town or city nearest
20 the location of the petitioner. The notice shall include, in
21 addition to the information described in subsection (a), no-
22 tice of opportunity for other parties to submit factual or
23 legal arguments in support of or in opposition to, the peti-
24 tion. Such submissions shall be provided to the petitioner
25 upon receipt by the Commission. The petitioner shall be
26 provided an opportunity to respond to such submissions

1 prior to a determination on the petition by the Commis-
2 sion.

3 **SEC. 7. PROCESSING THE PETITION.**

4 (a) REVIEW.—(1) Upon receipt of a petition, the
5 Commission shall conduct a review to determine whether
6 the petitioner is entitled to be recognized as an Indian
7 tribe.

8 (2) The review conducted under paragraph (1) shall
9 include consideration of the petition, supporting evidence,
10 and the factual statements contained in the petition.

11 (3) The Commission may also initiate other research
12 for any purpose relative to analyzing the petition and ob-
13 taining additional information about the petitioner's sta-
14 tus and may consider any evidence which may be submit-
15 ted by other parties.

16 (b) NOTICE OF DEFICIENCIES.—Prior to actual con-
17 sideration of the petition and by no later than the date
18 that is 12 months after the date on which the petition
19 is submitted or transferred to the Commission, the Com-
20 mission shall notify the petitioner of any obvious defi-
21 ciencies, or significant omissions, that are apparent upon
22 an initial review of the petition and provide the petitioner
23 with an opportunity to withdraw the petition for further
24 work or to submit additional information or a clarification.

1 (c) CONSIDERATION.—(1) Except as otherwise pro-
2 vided in this subsection, petitions shall be considered on
3 a first come, first served basis, determined by the date
4 of the original filing of the petition with the Commission,
5 or the Department if the petition is one transferred to the
6 Commission pursuant to section 5(a). The Commission
7 shall establish a priority register including those petitions
8 pending before the Department on the date of enactment
9 of this Act.

10 (2) Petitions that are submitted to the Commission
11 by Indian groups that as set forth in subsection 5(c)
12 shall—

13 (A) receive priority consideration over petitions
14 submitted by any other Indian groups, and

15 (B) be considered on an expedited basis.

16 (d) NOTICE OF ACTIVE CONSIDERATION.—The Com-
17 mission shall provide notice of the date on which the peti-
18 tion comes under active consideration to the petitioner and
19 other parties submitting comments on the petition.

20 (e) WITHDRAWAL AND RESUBMITTAL.—A petitioner
21 may, at its option and upon written request, withdraw its
22 petition prior to publication in the Federal Register by the
23 Commission of proposed findings under section 8(a) and
24 may, if it so desires, resubmit a new petition. A petitioner
25 shall not lose its priority date by withdrawing and resub-

1 mitting its petitions, but the time periods provided in sec-
2 tion 8(a) shall begin to run upon active consideration of
3 the resubmitted petition.

4 **SEC. 8. PROPOSED FINDINGS AND DETERMINATION.**

5 (a) IN GENERAL.—(1) Within one year after notify-
6 ing the petitioner under section 7(d) that active consider-
7 ation of the petition has begun, the Commission shall
8 make a proposed finding on the petition and shall publish
9 the proposed finding in the Federal Register.

10 (2) The Commission may delay making proposed
11 findings on a petition under paragraph (1) for 180 days
12 upon a showing of good cause by the petitioner.

13 (3) In addition to the proposed findings, the Commis-
14 sion shall prepare a report on each petition which summa-
15 rizes the evidence for the proposed findings. Copies of such
16 report shall be available to the petitioner and to other par-
17 ties upon request.

18 (4) Upon publication of the proposed findings under
19 paragraph (1), any individual or organization wishing to
20 challenge the proposed findings shall have a response pe-
21 riod of 120 days to present factual or legal arguments and
22 evidence upon which the proposed findings are based.

23 (b) DETERMINATION OF RECOGNITION.—(1) After
24 consideration of any written arguments and evidence sub-
25 mitted to rebut the proposed findings made under sub-

1 section (a)(1), the Commission shall make a determination
2 of whether the petitioner is recognized by the Federal Gov-
3 ernment to be an Indian tribe. Except as otherwise pro-
4 vided by this Act, the determination shall be considered
5 to be a determination on such recognition by the Federal
6 Government, and shall also be treated as a determination
7 on such recognition by the Secretary, for all purposes of
8 law.

9 (2) By no later than the date that is 60 days after
10 the close of the 120 day response period described in sub-
11 section (a)(4), the Commission shall—

12 (A) make a determination of whether the peti-
13 tioner is a federally recognized Indian tribe;

14 (B) publish a summary of the determination in
15 the Federal Register; and

16 (C) deliver a copy of the determination and
17 summary to the petitioner.

18 (3) Any determination made under paragraph (1)
19 shall become effective on the date that is 60 days after
20 the date on which the summary of the determination is
21 published under paragraph (2).

22 (c) RECOGNITION CRITERIA.—In making the pro-
23 posed findings and determination under this section with
24 respect to any petition, the Commission shall recognize the
25 petitioner as an Indian tribe if the petition meets all the

1 requirements of section 5(b). The Commission shall not
2 make such findings or determination of recognition of the
3 petitioner if such requirements have not been met by the
4 petitioner.

5 (d) NOTIFICATION OF OTHER OPTIONS.—If the
6 Commission determines under subsection (b)(1) that the
7 petitioner should not be recognized by the Federal Govern-
8 ment to be an Indian tribe, the Commission shall analyze
9 and forward to the petitioner other options, if any, under
10 which application for services and other benefits of the
11 Bureau may be made.

12 (e) SITUATIONS NOT AFFECTED BY DETERMINA-
13 TION.—A determination by the Commission that an In-
14 dian group is recognized by the Federal Government as
15 an Indian tribe shall not have the effect of—

16 (1) depriving or diminishing the right of any
17 other Indian tribe to govern its reservation as such
18 reservation existed prior to the recognition of such
19 Indian group;

20 (2) depriving or diminishing any property right
21 held in trust or recognized by the United States for
22 such other Indian tribe prior to the recognition of
23 such Indian group; or

24 (3) depriving or diminishing any previously or
25 independently existing claim by a petitioner to any

1 such property right held in trust by the United
2 States for such other Indian tribe prior to the rec-
3 ognition of such Indian group.

4 **SEC. 9. APPEALS.**

5 (a) IN GENERAL.—By no later than 60 days after
6 the date on which the summary of the determination of
7 the Commission with respect to a petition is published
8 under section 8(b), the petitioner, or any other party, may
9 appeal the determination to the United States District
10 Court for the District of Columbia.

11 (b) ATTORNEY FEES AND COSTS.—The prevailing
12 parties in the appeal described in subsection (a) shall be
13 eligible for an award of reasonable attorney fees and costs
14 under the provisions of section 504 of title 5, United
15 States Code, or section 2412 of title 28 of such Code, as
16 the case may be.

17 **SEC. 10. IMPLEMENTATION OF DECISIONS.**

18 (a) ELIGIBILITY FOR SERVICES AND BENEFITS.—(1)
19 Subject to paragraph (2), upon recognition by the Com-
20 mission that the petitioner is an Indian tribe, the Indian
21 tribe shall be eligible for the services and benefits from
22 the Federal Government that are available to other feder-
23 ally recognized Indian tribes by virtue of their status as
24 Indian tribes with a government-to-government relation-
25 ship with the United States, as well as having the respon-

1 sibilities and obligations of such Indian tribes. Such rec-
2 ognition shall subject the Indian tribes to the same au-
3 thority of Congress and the United States to which other
4 federally recognized tribes are subject.

5 (2) Recognition of the Indian tribe under this Act
6 does not create an immediate entitlement to existing pro-
7 grams of the Bureau. Such programs shall become avail-
8 able upon appropriation of funds by law. Requests for ap-
9 propriations shall follow a determination under subsection
10 (b) of the needs of the newly recognized Indian tribe.

11 (b) NEEDS DETERMINATION.—Within 6 months
12 after an Indian tribe is recognized under this Act, the ap-
13 propriate area offices of the Bureau of Indian Affairs and
14 the Indian Health Service shall consult and develop in co-
15 operation with the Indian tribe, and forward to the respec-
16 tive Secretary, a determination of the needs of the Indian
17 tribe and a recommended budget required to serve the
18 newly recognized Indian tribe. The recommended budget
19 shall be considered along with other recommendations by
20 the appropriate Secretary in the budget-request process.

21 **SEC. 11. LIST OF RECOGNIZED INDIAN TRIBES.**

22 By no later than the date that is 90 days after the
23 date of the enactment of this Act, and annually thereafter,
24 the Secretary shall publish in the Federal Register an up-
25 to-date list of all Indian tribes which are recognized by

1 the Federal Government and receiving services from the
2 Bureau.

3 **SEC. 12. ACTIONS BY PETITIONERS FOR ENFORCEMENT.**

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

13 **SEC. 13. REGULATIONS.**

14 The Commission is authorized to prescribe such regu-
15 lations as may be necessary to carry out the provisions
16 and purposes of this Act. All such regulations must be
17 published in accordance with the provisions of title 5,
18 United States Code.

19 **SEC. 14. GUIDELINES AND ADVICE.**

20 (a) GUIDELINES.—No later than 90 days after the
21 date of enactment of this Act, the Commission shall make
22 available suggested guidelines for the format of petitions,
23 including general suggestions and guidelines on where and
24 how to research required information, but such examples
25 shall not preclude the use of any other format.

1 (b) RESEARCH ADVICE.—The Commission, upon re-
2 quest, is authorized to provide suggestions and advise to
3 any petitioner for his research into the petitioner’s histori-
4 cal background and Indian identity. The Commission shall
5 not be responsible for the actual research on behalf of the
6 petitioner.

7 **SEC. 15. ASSISTANCE TO PETITIONERS.**

8 (a) GRANTS.—(1) The Secretary of Health and
9 Human Services may award grants to Indian groups seek-
10 ing Federal recognition to enable the Indian groups to—

11 (A) conduct the research necessary to substan-
12 tiate petitions under this Act; and

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

15 (2) The grants made under this subsection shall be
16 in addition to any other grants the Secretary of Health
17 and Human Services is authorized to provide under any
18 other provision of law.

19 (b) COMPETITIVE AWARD.—Grants provided under
20 subsection (a) shall be awarded competitively based on ob-
21 jective criteria prescribed in regulations promulgated by
22 the Secretary of Health and Human Services.

23 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) COMMISSION.—There are authorized to be appro-
25 priated for the Commission for the purpose of carrying

1 out the provisions of this Act (other than section 15),
2 \$1,500,000 for fiscal year 1995 and \$1,500,000 for each
3 of the 12 succeeding fiscal years.

4 (b) SECRETARY OF HHS.—There are authorized to
5 be appropriated for the Administration for Native Ameri-
6 cans of the Department of Health and Human Services
7 for the purpose of carrying out the provisions of section
8 15, \$500,000 for fiscal year 1995 and \$500,000 for each
9 of the 12 succeeding fiscal years.

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