

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.

S. 2708

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DODD

Viz:

1 On page 64, between lines 15 and 16, insert the fol-
2 lowing:

3 **SEC. 1 ____ . FEDERAL RECOGNITION.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of this Act, and subject to the availability of funds
6 and subsections (b) and (c), the Bureau of Indian Affairs
7 may not use more than \$1,900,000 of the funds made
8 available by this Act to carry out functions and activities

1 associated with the Branch of Acknowledgment and Re-
2 search.

3 (b) LIMITATIONS.—None of the funds made available
4 under this Act shall be used to approve or deny a petition
5 from any person or entity for recognition as a federally-
6 recognized Indian tribe or tribal nation (referred to in this
7 section as a “petition”) until such date as the Secretary
8 of the Interior (referred to in this section as the “Sec-
9 retary”) certifies to Congress that the administrative pro-
10 cedures described in subsection (c) have been implemented
11 with respect to consideration of any petition submitted to
12 the Secretary.

13 (c) PROCEDURES.—The administrative procedures
14 described in subsection (b) are that—

15 (1) in addition to notices provided under any
16 other provision of law, not later than 30 days after
17 the date of receipt of a petition, the Secretary shall
18 provide written notification of the petition to—

19 (A) the Governor and attorney general
20 of—

21 (i) the State in which the petitioner is
22 located as of that date; or

23 (i) each State in which the petitioner
24 has been located historically, if that State

1 is different from the State in which the pe-
2 titioner is located as of that date;

3 (B) the chief executive officers of each
4 county and municipality located in the geo-
5 graphic area historically occupied by the peti-
6 tioner; and

7 (C) any Indian tribe and any other peti-
8 tioner that, as determined by the Secretary—

9 (i) has a relationship with the peti-
10 tioner (including a historical relationship);

11 or

12 (ii) may otherwise be considered to
13 have a potential interest in the acknowl-
14 edgement determination;

15 (2) the Secretary—

16 (A) shall consider all relevant evidence sub-
17 mitted by a petitioner or any other interested
18 party, including neighboring municipalities that
19 possess information bearing on the merits of a
20 petition;

21 (B) on request by an interested party, may
22 conduct a formal hearing at which all interested
23 parties may present evidence, call witnesses,
24 cross-examine witnesses, or rebut evidence pre-
25 sented by other parties during the hearing; and

1 (C) shall include a transcript of a hearing
2 described in subparagraph (B) in the adminis-
3 trative record of the hearing on which the Sec-
4 retary may rely in considering a petition;

5 (3) the Secretary shall—

6 (A) ensure that the evidence presented in
7 consideration of a petition is sufficient to dem-
8 onstrate that the petitioner meets each of the 7
9 mandatory criteria for recognition contained in
10 section 83.7 of title 25, Code of Federal Regu-
11 lations (as in effect on the date of enactment of
12 this Act); and

13 (B) consider a criterion to be met if the
14 Secretary determines that it is more likely than
15 not that evidence presented demonstrates the
16 satisfaction of the criterion; and

17 (4) the Secretary shall publish in the Federal
18 Register, and provide to each person to which notice
19 is provided under paragraph (1), a complete and de-
20 tailed explanation of the final decision of the Sec-
21 retary regarding a documented petition under this
22 Act that includes express findings of fact and law
23 with respect to each of the criteria described in
24 paragraph (3).