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# The Federal Recognition of Tribes: Frequently Asked Questions

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## The Federal Recognition of Tribes: Frequently Asked Questions

As of 2026, the United States encompasses 575 federally recognized Tribes, or groups of *Indigenous people* that have a formally acknowledged government-to-government relationship with the United States. These Tribes are beneficiaries of the *federal trust responsibility*, a legal obligation under which the United States, through treaties, acts of Congress, and court decisions, “has charged itself with moral obligations of the highest responsibility and trust” toward federally recognized Tribes (*Seminole Nation v. United States*, 316 U.S. 286, 296–97 (1942)). In addition, under federal regulation (25 C.F.R. §83.2), federally recognized Tribes are “eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

This CRS report addresses frequently asked questions related to federal recognition.

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March 30, 2026

**Marriel J. Murray**  
Specialist in Natural  
Resources Policy

**Mainon A. Schwartz**  
Legislative Attorney

**Laura Deal**  
Law Librarian

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## Introduction

As of 2026, the United States has a federal trust responsibility to 575 federally recognized Tribes.<sup>1</sup> The *federal trust responsibility* is a legal obligation under which the United States, through treaties, acts of Congress, and court decisions, “has charged itself with moral obligations of the highest responsibility and trust” toward federally recognized Tribes.<sup>2</sup> A *federally recognized Tribe* (“Tribe”) is a group of *Indigenous people* that has a formally acknowledged government-to-government relationship with the United States.<sup>3</sup> Federal recognition engenders certain rights and protections for a Tribe, including institutionalizing its powers of self-government, though tribal sovereignty predates the Constitution.<sup>4</sup> In addition, Tribes are “eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”<sup>5</sup>

This CRS report addresses frequently asked questions related to federal recognition.

## Frequently Asked Questions

### What Is the History of Federal Recognition?

The United States has long recognized Tribes as sovereign nations, but fluctuating federal policy toward Tribes has affected their status over time. The governments of the 13 original colonies and, later, the United States negotiated treaties with Tribes until about 1871, when federal statute ended this practice.<sup>6</sup> With the passage of the General Allotment Act of 1887 (also known as the Dawes Act), the federal government divided many communally occupied reservation lands into plots allocated to individual tribal members (with provisions for unallotted land to be made available to settlers), aiming to assimilate Tribes into non-Indigenous American culture.<sup>7</sup> In the 1930s and 1940s, federal statute ended the allotment policy and granted more administrative control to Tribes, particularly through the Indian Reorganization Act of 1934 (IRA).<sup>8</sup> Among

<sup>1</sup> See Department of the Interior (DOI), Bureau of Indian Affairs (BIA), “Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs,” 91 *Federal Register* 4102 (Jan. 30, 2026).

<sup>2</sup> *Seminole Nation v. United States*, 316 U.S. 286, 296–97 (1942).

<sup>3</sup> 25 C.F.R. §83.2 (explaining that federal recognition is a prerequisite to the protection, services, and benefits of the federal government available to Tribes that have a government-to-government relationship with the United States). The term *Indigenous people* is generally used to refer to the people or groups of people who are original inhabitants of a place but is not consistently defined in the domestic or international legal context. Some entities, such as the United Nations, have developed guidelines for identifying Indigenous groups based on various factors. United Nations, “Who Are Indigenous Peoples?,” [https://www.un.org/esa/socdev/unpfii/documents/5session\\_factsheet1.pdf](https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf). Throughout this report, *Indigenous people* is used to refer to diverse groups in the United States that may be known or referred to by various terms, including members of federally recognized Tribes, Native Hawaiians, Alaska Natives, and descendants of other groups that predated European colonization of the Americas.

<sup>4</sup> See, e.g., *Kahawaiolaa v. Norton*, 386 F.3d 1271, 1273 (9<sup>th</sup> Cir. 2004) (“Federal recognition affords important rights and protections to Indian tribes, including limited sovereign immunity, powers of self-government, the right to control the lands held in trust for them by the federal government, and the right to apply for a number of federal services.”).

<sup>5</sup> 25 C.F.R. §83.2.

<sup>6</sup> See Indian Appropriations Act of 1871 (25 U.S.C. §71, Act of March 3, 1871, ch. 120, §1, 16 Stat. 566).

<sup>7</sup> Act of Feb. 8, 1887, ch. 119, 24 Stat. 388 (providing, among other things, that tribal members who have “voluntarily taken up ... residence, separate and apart from any tribe of Indians therein, and ... adopted the habits of civilized life” would be recognized as U.S. citizens); see also, e.g., Sarah Krakoff, “Inextricably Political: Race, Membership, and Tribal Sovereignty,” *Washington Law Review*, vol. 87, (2012), p. 1069 (hereinafter “Krakoff”).

<sup>8</sup> Indian Reorganization Act of 1934, P.L. 73-383, 48 Stat. 984.

other things, the IRA encouraged Tribes to organize themselves as governments and defined *Tribe* as “any Indian tribe, organized band, pueblo, or the Indians residing on one reservation.”<sup>9</sup> In the 1950s and 1960s, Congress through passing of federal legislation began terminating the recognition of some Tribes in an effort to integrate them into the general population.<sup>10</sup> Legislatively, that period ended in 1975 with enactment of the Indian Self-Determination and Education Assistance Act (ISDEAA), whereby Congress established a policy of tribal self-determination, respecting and promoting Tribes’ autonomy to manage their own affairs.<sup>11</sup> Despite these fluctuations, Congress has both explicitly and implicitly recognized many Tribes’ existence by ratifying treaties and other agreements.<sup>12</sup> In the 20<sup>th</sup> and 21<sup>st</sup> centuries, Congress also recognized Tribes through passage of specific acts.<sup>13</sup>

The executive branch established a regulatory framework to recognize Tribes in 1978. That year, the Department of the Interior (DOI), Bureau of Indian Affairs (BIA), issued regulations known as the *Part 83 administrative process* to handle requests for federal recognition from groups of Indigenous people.<sup>14</sup> Currently, the Office of Federal Acknowledgment within DOI’s Office of the Assistant Secretary for Indian Affairs manages the Part 83 administrative process, as explained below in “Who Decides Whether a Petition Meets the Part 83 Process Criteria?”<sup>15</sup> Since 1994, DOI has regularly published an updated list in the *Federal Register* of Tribes that have received federal recognition.<sup>16</sup>

## How Can a Group of Indigenous People Become Federally Recognized?

In the Federally Recognized Indian Tribe List Act of 1994, Congress outlined three pathways by which a group of Indigenous people could obtain recognition: (1) through legislation, (2) through DOI, using the Part 83 administrative process; and (3) through the courts.<sup>17</sup> Each of these three pathways is discussed below.

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<sup>9</sup> 25 U.S.C. §5129. Most Tribes are organized under the Indian Reorganization Act of 1934, including some Alaska Native villages that adopted governing documents under the provisions of a 1936 amendment to the IRA (BIA, “Frequently Asked Questions,” <https://www.bia.gov/frequently-asked-questions>).

<sup>10</sup> See H.Con.Res. 108, 83<sup>rd</sup> Cong., 67 Stat. B132 (1953). Congress’s stated policy was, “as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States.” The Termination Era was repudiated in President Nixon’s Special Message on Indian Affairs, delivered to Congress in 1970 (Special Message to the Congress on Indian Affairs, 1 PUB. PAPERS 564 (July 8, 1970)).

<sup>11</sup> Indian Self-Determination and Education Assistance Act (ISDEAA), P.L. 93-638, 88 Stat. 2203.

<sup>12</sup> Cohen’s Handbook of Federal Indian Law §4.02[4] (2024).

<sup>13</sup> See, e.g., P.L. 119-60, §8803 (Lumbee Fairness Act), 139 Stat. 1973.

<sup>14</sup> DOI, “Procedures for Establishing That an American Indian Group Exists as an Indian Tribe,” 43 *Federal Register* 39361 (August 24, 1978) (codified as amended at 25 C.F.R. §83).

<sup>15</sup> DOI, Office of Federal Acknowledgement (OFA), <https://www.bia.gov/as-ia/ofa>.

<sup>16</sup> Federally Recognized Indian Tribe List Act of 1994, Title I of P.L. 103-454, §104, 108 Stat. 4791 (codified at 25 U.S.C. §5131) (directing the Secretary of the Interior to publish regularly a “list of all Indian tribes which the Secretary recognizes to be eligible for the special programs and services provided by the United States to Indians because of their status as Indians”).

<sup>17</sup> P.L. 103-454, 108 Stat. 4791.

## (1) Federal Recognition Through Legislation

### *When Has Congress Most Recently Considered Granting Federal Recognition to a Group of Indigenous People Through Stand-Alone Legislation?*

As of March 30, 2026, the following stand-alone bills to federally recognize a group of Indigenous people have been introduced in the 119<sup>th</sup> Congress:<sup>18</sup>

- Mono Lake Kootzaduka’a Tribe Recognition Act, H.R. 5820 (2025)
- Nottoway Indian Tribe of Virginia Federal Recognition Act, H.R. 5327 (2025)
- Cheroenhaka (Nottoway) Indian Tribe of Southampton County, Virginia, Federal Recognition Act, H.R. 5144 (2025)
- Patowomeck Indian Tribe of Virginia Federal Recognition Act, H.R. 4750 (2025)
- Grand River Bands of Ottawa Indians Restoration Act of 2025, S. 2160 (2025)
- Grand River Bands of Ottawa Indians Restoration Act of 2025, H.R. 3255 (2025)
- Haliwa Saponi Indian Tribe of North Carolina Act, H.R. 2929 (2025)
- Nor Rel Muk Wintu Nation Federal Recognition Act, H.R. 619 (2025)<sup>19</sup>

### *When Did Congress Last Pass Legislation to Federally Recognize a Group of Indigenous People?*

Based on research conducted on March 30, 2026, Congress extended full federal recognition to the Lumbee Tribe of North Carolina in the National Defense Authorization Act for Fiscal Year 2026 (FY2026 NDAA) enacted on December 18, 2025.<sup>20</sup> The Lumbee Tribe had been granted partial recognition in 1956.<sup>21</sup> Five years before the FY2026 NDAA, the Little Shell Tribe of Chippewa Indians was recognized in the National Defense Authorization Act for Fiscal Year 2020.<sup>22</sup>

### *What Are Some Provisions That May Appear in Legislation to Federally Recognize a Group of Indigenous People?*

- **Membership Roll.** A Tribe is considered to be entitled to a certain degree of *tribal sovereignty*, a complex concept rooted in ideals of self-determination and the ability to govern the Tribe’s own internal affairs.<sup>23</sup> This includes the ability to determine tribal membership.<sup>24</sup> Some bills providing federal recognition require

<sup>18</sup> CRS compiled this information based on a search of Congress.gov for legislation introduced in the 119<sup>th</sup> Congress containing the terms “*Federal recognition affirmed*”~10 OR “*Federal recognition extended*”~10 OR “*extension full government-to-government*”~10, plus a manual review of legislation introduced in the 119<sup>th</sup> Congress containing the word *recognition* in the title. This list includes bills that have not been enacted at the time of the search.

<sup>19</sup> Additionally, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act, H.R. 41, 119<sup>th</sup> Cong. (2025), would create a new set of Alaska Native Corporations under the Alaska Native Claims Settlement Act (ANCSA, P.L. 92-203). Alaska Native Corporations have a unique status. See footnote 74, *infra*, and accompanying text.

<sup>20</sup> National Defense Authorization Act for Fiscal Year 2026 (FY2026 NDAA), P.L. 119-60, §8803, 139 Stat. 1973.

<sup>21</sup> An Act relating to the Lumbee Indians, of North Carolina, P.L. 84-570, 70 Stat. 254.

<sup>22</sup> National Defense Authorization Act for Fiscal Year 2020 (FY2020 NDAA), P.L. 116-92, §2870, 133 Stat. 1907.

<sup>23</sup> See, e.g., ISDEAA.

<sup>24</sup> Cohen’s Handbook of Federal Indian Law §5.01[2][b] (2024).

- the newly recognized Tribe to submit a list of tribal members (a *membership roll*) to the Secretary of the Interior.<sup>25</sup>
- Land Acquisition.** Many bills involving federal recognition also take land into trust—or direct the Secretary of the Interior to place land into trust—for the newly recognized Tribe.<sup>26</sup> This type of provision creates a reservation or other form of tribal land over which the Tribe may have certain types of civil or criminal jurisdiction or exercise other authority. While Congress through federal statute may take, or direct the taking of, land into trust at any time, the Secretary’s discretionary authority to take land into trust absent legislative authorization is circumscribed by the Supreme Court’s decision in *Carcieri v. Salazar*.<sup>27</sup> *Carcieri* stated that Tribes not federally recognized as of the 1934 enactment of the IRA are ineligible to petition for land to be taken into trust.<sup>28</sup> Absent other specific authority, a Tribe must be able to prove it was under federal jurisdiction in 1934 to be able to request placing land into trust.<sup>29</sup> As a result, when legislatively recognizing a Tribe, Congress may choose to consider including provisions clarifying whether the Tribe may put land into trust in the future, as it did when it enacted the Lumbee Fairness Act as part of the FY2026 NDAA.<sup>30</sup>
  - Restrictions or Limits on Tribal Sovereignty.** Some bills to extend federal recognition to a particular group include, as a condition of that recognition, certain limits on tribal sovereignty. For example, bills have proposed limiting a Tribe’s criminal or civil jurisdiction by granting jurisdiction over tribal lands to the state government.<sup>31</sup> Historically, restrictions often related to subsistence activities such as hunting or fishing; more recently, these restrictions have more often involved activities such as gaming, as outlined below.<sup>32</sup> Congress passed the Indian Gaming Regulatory Act (IGRA) on October 17, 1988, to regulate the conduct of gaming on tribal lands.<sup>33</sup> In general, IGRA and its implementing regulations prohibit most types of gaming on trust lands acquired after 1988, with several significant exceptions.<sup>34</sup> For example, some of these exceptions allow

<sup>25</sup> See, e.g., FY2020 NDAA, §2870(f), 133 Stat. 1907.

<sup>26</sup> *Trust lands* are lands held in trust by DOI for Tribes or tribal members and cannot be alienated without DOI approval (25 C.F.R. §151.2). For an overview of tribal lands, see CRS Report R48360, *Tribal Lands: Overview and Issues for Congress*, by Mariel J. Murray.

<sup>27</sup> 555 U.S. 379 (2009).

<sup>28</sup> *Id.* at 391.

<sup>29</sup> *Id.*; see also, e.g., *Littlefield v. Mashpee Wampanoag Indian Tribe*, 951 F.3d 30, 40 (1<sup>st</sup> Cir. 2020) (applying *Carcieri* to foreclose a statutory interpretation that permitted taking land into trust for the Mashpee) and *Mashpee Wampanoag Tribe v. Bernhardt*, 466 F. Supp. 3d 199, 236 (D.D.C. 2020) (holding an agency interpretation that the Mashpee were not under federal jurisdiction in 1934 to be arbitrary, capricious, an abuse of discretion, and contrary to the law). One concurring Justice in *Carcieri* wrote that “a tribe may have been ‘under federal jurisdiction’ in 1934 even though the federal government did not believe so at the time.” *Carcieri*, 555 U.S. at 397 (Breyer, J., concurring).

<sup>30</sup> FY2026 NDAA, P.L. 119-60, §8803, 139 Stat. 1973 (providing Secretary of the Interior authorization to take land into trust for the Tribe in certain areas).

<sup>31</sup> Kirsten Matoy Carlson, “Congress, Tribal Recognition, and Legislative-Administrative Multiplicity,” 91 *Ind. L.J.* 955, 988 (2016) (hereinafter “Carlson”).

<sup>32</sup> Carlson, 988 (“Hunting and fishing restrictions were more common pre-IGRA and gaming restrictions have been more prevalent post-IGRA.”).

<sup>33</sup> Indian Gaming Regulatory Act (IGRA), P.L. 100-497, 102 Stat. 2467. See also CRS In Focus IF12527, *Indian Gaming Regulatory Act: Gaming on “Indian Lands”*, coordinated by Mariel J. Murray.

<sup>34</sup> IGRA; 25 C.F.R. §292.

tribal gaming for Tribes that previously lost recognition but are now recognized (*restored lands exception*) or newly recognized Tribes acquiring a reservation for the first time (*initial reservation exception*).<sup>35</sup> Due to the potential for newly recognized Tribes to conduct gaming activities on their lands, Congress sometimes includes gaming restrictions in legislation that would recognize Tribes. One analysis of federal recognition bills introduced between 1975 and 2013 found that—of recognition bills containing express restrictions or limits on tribal sovereignty—more than half contained a restriction on gaming (29 of 54 bills).<sup>36</sup> However, this represented less than a quarter of all tribal recognition bills introduced during that period (29 of 134 bills).<sup>37</sup> When it comes to enacted legislation, IGRA’s passage seems to correlate with Congress reducing the number of restrictions of any kind. From 1975 to 1988 (or pre-IGRA), 10 of 14 enacted bills included some kind of express restrictions on tribal sovereignty, while from 1988 to 2013, 3 of 10 enacted bills included restrictions—though 2 of those 3 included restrictions on gaming.<sup>38</sup> The most recent federal statutes recognizing Tribes have not included gaming restrictions.<sup>39</sup>

## (2) Federal Recognition Through the Part 83 Administrative Process<sup>40</sup>

### *What Are the Criteria for Recognition Under Part 83?*

A group of Indigenous people seeking federal recognition under the Part 83 administrative process (a *petitioning group*) generally must submit a petition to the Office of Federal Acknowledgment (OFA) within the Office of the Assistant Secretary for Indian Affairs of DOI. The petitioning group must prove that it meets the Part 83 regulatory criteria, including that it

- has been identified as an American Indian entity since 1900 (25 C.F.R. §83.11(a));
- comprises a distinct community and has existed since 1900 (25 C.F.R. §83.11(b));
- has maintained political influence or authority over its members as an autonomous entity since 1900 (25 C.F.R. §83.11(c));
- comprises individuals descended from a historic Tribe (25 C.F.R. §83.11(e));
- consists principally of individuals who are not also members of another federally recognized Tribe (25 C.F.R. §83.11(f)); and
- has not had a relationship with the United States expressly terminated or prohibited by an act of Congress (25 C.F.R. §83.11(g)).<sup>41</sup>

<sup>35</sup> 25 C.F.R. §292.7 (restored lands exception) and 25 C.F.R. §292.6 (initial reservation exception). An infographic presentation of the restored lands exception is available at CRS Infographic IG10082, *Gaming on Tribal Lands: The Indian Gaming Regulatory Act’s “Restored Lands” Exception*, by Mariel J. Murray and Mainon A. Schwartz.

<sup>36</sup> Carlson, 989 (“A majority (53.7 percent, or 29 of 54) of bills with restrictions include gaming restrictions post-IGRA.”).

<sup>37</sup> Carlson, 989.

<sup>38</sup> Carlson, 990. (“The enactment rate for bills with restrictions has decreased dramatically post-IGRA.”)

<sup>39</sup> See, e.g., FY2020 NDAA and FY2026 NDAA.

<sup>40</sup> An infographic presentation of this information is available at CRS Infographic IG10038, *Federal Recognition of Indian Tribes: The Administrative Process*, by Mainon A. Schwartz.

<sup>41</sup> See generally 25 C.F.R. §83.

The petitioning group also must provide a “governing document” (or a written statement) that includes its membership criteria (25 C.F.R. §83.11(d)).

### ***Who Decides Whether a Petition Meets the Part 83 Process Criteria?***

DOI’s OFA reviews and evaluates petitions for federal recognition based on the Part 83 criteria. If the OFA determines that a petitioning group meets the regulatory criteria, the office recommends acknowledgement (recognition); if the OFA determines that the petitioning group does not meet the criteria, the office recommends denial. DOI’s Assistant Secretary for Indian Affairs makes the final decision.<sup>42</sup> DOI has approved 18 petitions since 1980 for those groups meeting all of the Part 83 criteria and has denied 34 petitions in the same timeframe.<sup>43</sup> See **Appendix** for a summary of the 34 petitions for federal recognition denied since 1981, including which criteria the petitioning group failed to meet according to DOI’s Office of Federal Acknowledgement.<sup>44</sup>

### ***When Was the Last Time a Group of Indigenous People Were Recognized Through the Part 83 Process?***

DOI recognized the Pamunkey Indian Tribe in 2015.<sup>45</sup>

### ***What Happens if a Group Is Denied Federal Recognition Under Part 83?***

Historically, a DOI denial under Part 83 was the final word, at least administratively.<sup>46</sup> Following litigation over the question of whether denied groups should be allowed to *re-petition* for recognition under the Part 83 process, in 2025, BIA promulgated a new rule permitting re-petitions in limited circumstances.<sup>47</sup> That rule, codified at 25 C.F.R. §83.50, became effective on March 21, 2025. As of the date of this report, three groups of Indigenous people had filed requests for authorization to re-petition:

- Miami Nation of Indians of the State of Indiana, Inc.;<sup>48</sup>
- Burt Lake Band of Ottawa and Chippewa Indians;<sup>49</sup> and
- Schaghticoke Tribal Nation.<sup>50</sup>

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<sup>42</sup> DOI, OFA, <https://www.bia.gov/as-ia/ofa>.

<sup>43</sup> DOI, “Petitions Resolved-Acknowledged,” <https://www.bia.gov/as-ia/ofa/petitions-resolved/acknowledged>. Note that some Tribes, such as the Little Shell Tribe of Chippewa Indians, were acknowledged by congressional action during this period.

<sup>44</sup> CRS compiled this information based on a review of denied petitions published on the website maintained by DOI OFA: <https://www.bia.gov/as-ia/ofa/petitions-resolved/denied>.

<sup>45</sup> DOI, “Notification Letter to Petitioner FD,” [https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/petition/323\\_pamunk\\_VA/323\\_fd\\_letter.pdf](https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/petition/323_pamunk_VA/323_fd_letter.pdf).

<sup>46</sup> Regardless of a DOI denial, Congress may choose to extend federal recognition to a group legislatively. Part 83 determinations also may be subject to judicial review—for example, under the Administrative Procedure Act. See, e.g., *Cherokee Nation of Oklahoma v. Babbitt*, 117 F.3d 1489, 1503 (D.C. Cir. 1997) (upholding federal jurisdiction to hear Cherokee Nation of Oklahoma challenge to Part 83 decision recognizing Delaware Tribe of Indians).

<sup>47</sup> 90 *Federal Register* 3627 (January 15, 2025).

<sup>48</sup> 90 *Federal Register* 41409 (August 25, 2025).

<sup>49</sup> 90 *Federal Register* 60736 (December 29, 2025).

<sup>50</sup> 90 *Federal Register* 61161 (December 30, 2025).

Under the 2025 rule, these petitions are to be evaluated anew under the Part 83 process, which may involve regulations that have been revised since the groups' first petitions were denied or additional evidence that was not available at the time of the first denial.<sup>51</sup>

### (3) Federal Recognition Through Judicial Decision

Federal courts in the modern era generally decline to consider extending federal recognition to an unrecognized group, citing a “long history making clear that tribal recognition is a political question committed to the political branches.”<sup>52</sup> For example, in 2019, the U.S. Court of Appeals for the Ninth Circuit stated that it could not order the executive branch to add a group to the list of federally recognized Tribes when that group had not pursued recognition through the Part 83 process.<sup>53</sup>

### What Is “Reaffirmation”?

DOI also has confirmed the status of a few Tribes using a practice known as *reaffirmation*. Per this practice, DOI has added Tribes to its annual list of Tribes based on tribal requests for the reaffirmation of their tribal status.<sup>54</sup> DOI has reaffirmed Tribes to “rectify ... previous administrative errors” or to settle litigation with Tribes that were “wrongfully terminated.”<sup>55</sup> A 2013 DOI Office of Inspector General (OIG) report observed that over the course of several Administrations, Assistant Secretaries for Indian Affairs have used this practice to recognize Tribes even though the process is not defined in law or regulation.<sup>56</sup>

### What Programs, Services, and Funding Can Federal Recognition Provide?

Congress has included in multiple laws authorizations of programs, services, or funding for Tribes and tribal members. Congress has authorized programs and services for Tribes and tribal members focused on agriculture, child welfare and placement, disaster assistance, education, the environment and natural resource management, housing, health care, gaming, transportation, and broadband internet access, among other things.<sup>57</sup> Congress has specifically directed three agencies to serve Tribes and tribal members: the BIA, the Bureau of Indian Education, and the Indian Health Service.<sup>58</sup>

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<sup>51</sup> 90 *Federal Register* 3631 (January 15, 2025) (explaining “a decision granting authorization to re-petition simply permits the petitioner to proceed with a new documented petition through the Federal acknowledgment process”; if authorization to re-petition is granted, “the petitioner must submit a complete documented petition under § 83.21 to request Federal acknowledgment and will then receive substantive review of the petitioner’s claims and evidence”).

<sup>52</sup> *Wyandot Nation v. United States*, 858 F.3d 1392, 1401-02 (Fed. Cir. 2017) (collecting cases).

<sup>53</sup> *Agua Caliente Tribe of Cupeno Indians of Pala Reservation v. Sweeney*, 932 F.3d 1207, 1223 (9<sup>th</sup> Cir. 2019).

<sup>54</sup> Testimony of Bryan Newland, Senior Policy Advisor, Office of the Assistant Secretary for Indian Affairs, DOI, *Oversight Hearing on Federal Acknowledgement: Political and Legal Relationship Between Governments*, Senate Committee on Indian Affairs, July 12, 2012, [https://www.doi.gov/ocl/hearings/112/FederalTribalRecognition\\_071212](https://www.doi.gov/ocl/hearings/112/FederalTribalRecognition_071212).

<sup>55</sup> *Id.*

<sup>56</sup> See DOI, Office of the Inspector General, *Investigative Report of the Tejon Indian Tribe*, January 9, 2013, p. 2, [https://www.doi.ig.gov/sites/default/files/2021-migration/Tejon\\_ROI\\_FINAL\\_PUBLIC.pdf](https://www.doi.ig.gov/sites/default/files/2021-migration/Tejon_ROI_FINAL_PUBLIC.pdf).

<sup>57</sup> OMB, *FY2025 Native American Funding Crosscut*, November 2024, [https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/12/2025-Native-American-Funding-Crosscut-Report\\_508.pdf](https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/12/2025-Native-American-Funding-Crosscut-Report_508.pdf) (hereinafter “OMB Crosscut”).

<sup>58</sup> See 25 U.S.C. §13 and 25 U.S.C. §§1601 et seq.

Similarly, appropriations laws for various federal departments often include funding for Tribes and tribal members.<sup>59</sup> Newly recognized Tribes also may be eligible for specific funding. For example, Congress has often appropriated funding for the BIA to help newly recognized Tribes establish and carry out the day-to-day responsibilities of a tribal government.<sup>60</sup> In addition, Congress has often appropriated funding for the Indian Health Service to help newly recognized Tribes start the delivery of health care services.<sup>61</sup> The Bureau of Indian Education does not have a program or funding specifically for newly recognized Tribes.

## Are All Indigenous Groups Federally Recognized?

As of the date of this report, 575 Tribes are federally recognized, of which about 40% are located in Alaska. Various groups of Indigenous people continue to seek recognition.<sup>62</sup> Some groups of Indigenous people may not be federally recognized despite historical evidence about their existence.<sup>63</sup> For example, multiple groups of Indigenous people in California experienced challenges achieving federal recognition because of the absence of ratified treaties and tribal reservations.<sup>64</sup> Some groups of Indigenous people in Virginia also faced difficulty meeting the criteria for federal recognition because the state's 1924 Racial Integrity Act eliminated individuals' ability to select any race other than "colored" or "white" in official records; this presented significant challenges to groups needing to demonstrate their continued recognition as tribal entities.<sup>65</sup>

In addition, some groups once recognized but whose relationship with the federal government was terminated by federal statute have since sought *restored recognition*.<sup>66</sup> During the Termination Era (approximately the 1950s and 1960s), federal policy focused on disestablishing reservations, diminishing tribal sovereign authority, and ending the federal recognition of Tribes.<sup>67</sup> During this period, federal statutes formally ended federal recognition of about 109 Tribes through legislation.<sup>68</sup> A group whose relationship was terminated by statute may not use the Part 83 process; only federal statute can restore federal recognition to a "terminated" Tribe.<sup>69</sup> Finally, the Part 83 process limits federal acknowledgement to Indigenous groups in the

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<sup>59</sup> See OMB Crosscut.

<sup>60</sup> DOI, BIA, *Budget Justifications and Performance Information, Fiscal Year 2026*, p. 26, <https://edit.doi.gov/sites/default/files/documents/2025-12/bia-2026-greenbook508.pdf>. See also CRS Report R47723, *Bureau of Indian Affairs: Overview of Budget Issues and Options for Congress*, by Mariel J. Murray.

<sup>61</sup> Department of Health and Human Services, Indian Health Service, *Fiscal Year 2026 Justification of Estimates for Appropriations Committees*, p. CJ-3, [https://www.ihs.gov/sites/ofa/themes/responsive2017/display\\_objects/documents/FY\\_2026\\_IHS\\_Congressional\\_Justification\\_Plan.pdf](https://www.ihs.gov/sites/ofa/themes/responsive2017/display_objects/documents/FY_2026_IHS_Congressional_Justification_Plan.pdf).

<sup>62</sup> DOI, "Petitions Resolved-Acknowledged," <https://www.bia.gov/as-ia/ofa/petitions-resolved/acknowledged>.

<sup>63</sup> Cohen's Handbook of Federal Indian Law §4.02[3] (2024).

<sup>64</sup> Smithsonian Institution, "Handbook of North American Indians: Introduction," vol. 1, p. 365, 2022.

<sup>65</sup> U.S. Congress, Senate Indian Affairs Committee, *Federal Recognition: Politics and Legal Relationship Between Governments*, 112<sup>th</sup> Cong., 2<sup>nd</sup> sess., July 12, 2012, S.Hrg. 112-684 (Washington: GPO, 2013), p. 5.

<sup>66</sup> For example, the Tolowa Nation's status was terminated by P.L. 83-588, 68 Stat. 724, and they later petitioned for recognition but were denied in 2016 (DOI, OFA, "Petition #085: Tolowa Nation, CA," <https://www.bia.gov/as-ia/ofa/085-tolowa-ca>).

<sup>67</sup> See H.Con.Res. 108, 83<sup>rd</sup> Cong., 67 Stat. B132 (1953). Congress's stated policy was, "as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States." The Termination Era arguably ended with President Nixon's Special Message on Indian Affairs, delivered to Congress in 1970 (Special Message to the Congress on Indian Affairs, 1 PUB. PAPERS 564 (July 8, 1970)).

<sup>68</sup> See, e.g., P.L. 83-588, 68 Stat. 724 and P.L. 85-671, 72 Stat. 619. See also Krakoff article, 1077.

<sup>69</sup> 25 C.F.R. §83.11(g).

continental United States, which excludes Native Hawaiians.<sup>70</sup> However, even after DOI established a separate process for Native Hawaiians to seek federal recognition, that community remains divided on whether to seek recognition.<sup>71</sup>

## **Are Alaska Native Corporations Federally Recognized?**

The Alaska Native Claims Settlement Act (ANCSA) provides a unique statutory framework for the recognition of Alaska Natives.<sup>72</sup> Under the settlement authorized by the ANCSA, Alaska Natives gave up claims to over 360 million acres of land in exchange for \$962.5 million and approximately 45 million acres.<sup>73</sup> The act also authorized the creation of Alaska Native village corporations and regional corporations (collectively, ANCs), which are not included on the annual list of Tribes that DOI publishes.<sup>74</sup> However, in a lawsuit over funds set aside for Tribes in the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136, Title V, 134 Stat. 281), the Supreme Court determined that ANCs are included in certain legal definitions of “Indian tribes” (such as the definition in ISDEAA) and therefore are eligible for certain benefits directed to federally recognized Tribes.<sup>75</sup> At the same time, ANCs are for-profit entities that lack many of the characteristics of sovereignty often associated with Tribes. They generally may not, for example, perform judicial or law enforcement functions, and they are subject to certain corporate requirements.<sup>76</sup> Congress may consider whether legislation referencing federally recognized Tribes uses a definition that includes or excludes ANCs.

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<sup>70</sup> 25 C.F.R. §83.1.

<sup>71</sup> 43 C.F.R. §50. Cecily Hilleary, “Native Hawaiians Divided on Federal Recognition,” VOA News, <https://www.voanews.com/a/native-hawaiians-divided-on-federal-recognition/4775275.html>.

<sup>72</sup> P.L. 92-203, 85 Stat. 688.

<sup>73</sup> See 43 U.S.C. §1605 and 43 U.S.C. §1611.

<sup>74</sup> See 43 U.S.C. §§1606–1607.

<sup>75</sup> *Yellen v. Confederated Tribes of the Chehalis Rsrv.*, 594 U.S. 338, 341–42 (2021).

<sup>76</sup> See *Alaska v. Native Vill. of Venetie*, 522 U.S. 520 (1998). For corporate structure, see 43 U.S.C. §§1606–1607.

## Appendix. Denied Petitions That Failed to Meet 25 C.F.R. §83 Criteria

**Table A-I. Denied Petitions That Failed to Meet 25 C.F.R. §83 Criteria**  
(1981-2026)

| <b>Petitioning Group Name</b>   | <b>Denial Decision Effective Date</b> | <b>83.11(a)</b> | <b>83.11(b)</b> | <b>83.11(c)</b> | <b>83.11(d)</b> | <b>83.11(e)</b> | <b>83.11(f)</b> | <b>83.11(g)</b> |
|---|---------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Duwamish Indian Tribe, WA   | 7/19/2019                             | x               | x               | x               | —               | —               | —               | —               |
| Georgia Tribe of Eastern Cherokees, Inc. (aka Dahlonega, Cane Break Band), GA | 3/14/2018                             | x               | x               | x               | —               | —               | —               | —               |
| Tolowa Nation, CA   | 2/18/2016                             | —               | x               | —               | —               | —               | —               | —               |
| Choctaw Nation of Florida   | 7/11/2013                             | —               | —               | —               | —               | x               | —               | —               |
| Brothertown Indian Nation   | 12/11/2012                            | —               | —               | —               | —               | —               | —               | x               |
| Central Band of Cherokee of Lawrenceburg, TN                                  | 7/24/2012                             | —               | —               | —               | —               | x               | —               | —               |
| Juaneno Band of Mission Indians, CA   | 6/20/2011                             | x               | x               | x               | —               | x               | —               | —               |
| Steilacoom Tribe, WA  | 6/17/2008                             | x               | x               | x               | —               | x               | —               | —               |
| Webster/Dudley Band of Chaubunagungamaug Nipmuck Indians, MA                  | 1/28/2008                             | x               | x               | x               | —               | —               | —               | —               |
| Nipmuc Nation, Hassanamisco Band, MA  | 1/28/2008                             | x               | x               | x               | —               | x               | —               | —               |
| St. Francis/Sokoki Band of Abenakis of Vermont, VT                            | 10/01/2007                            | x               | x               | x               | —               | x               | —               | —               |
| Burt Lake Band of Ottawa and Chippewa Indians, Inc., MI                       | 1/03/2007                             | —               | x               | x               | —               | x               | —               | —               |
| Schaghticoke Tribal Nation, CT  | 10/14/2005                            | —               | x               | x               | —               | —               | —               | —               |

| Petitioning Group Name                              | Denial Decision Effective Date | 83.11 |     |     |     |     |     |     |
|---|--------------------------------|-------|-----|-----|-----|-----|-----|-----|
|   |                                | (a)   | (b) | (c) | (d) | (e) | (f) | (g) |
| Paucatuck Eastern Pequot Indians of Connecticut, CT | 10/14/2005                     | —     | x   | x   | —   | —   | —   | —   |
| Eastern Pequot Indians of Connecticut, CT           | 10/14/2005                     | —     | x   | x   | —   | —   | —   | —   |
| Golden Hill Paugussett Tribe, CT                    | 3/18/2005                      | x     | x   | x   | —   | x   | —   | —   |
| Snohomish Tribe of Indians, WA                      | 3/05/2004                      | x     | x   | x   | —   | x   | —   | —   |
| Muwekma Ohlone Tribe of San Francisco Bay, CA       | 12/16/2002                     | x     | x   | x   | —   | —   | —   | —   |
| Chinook Indian Tribe/Chinook Nation, WA             | 7/05/2002                      | x     | x   | x   | —   | —   | —   | —   |
| Yuchi Tribal Organization, OK                       | 3/21/2000                      | —     | —   | —   | —   | —   | x   | —   |
| MOWA Band of Choctaw, AL                            | 11/26/1999                     | —     | —   | —   | —   | x   | —   | —   |
| Ramapough Mountain Indians, Inc., NJ                | 1/07/1998                      | —     | x   | x   | —   | x   | —   | —   |
| Miami Nation of Indians of IN, Inc., IN             | 8/17/1992                      | —     | x   | x   | —   | —   | —   | —   |
| MaChis Lower AL Creek Indian Tribe, AL              | 8/22/1988                      | x     | x   | x   | —   | x   | —   | —   |
| Tchinouk Indians, OR                                | 3/17/1986                      | x     | x   | x   | —   | —   | —   | x   |
| Northwest Cherokee Wolf Band, SECC, OR              | 11/25/1985                     | x     | x   | x   | —   | x   | —   | —   |
| Red Clay Intertribal Indian Band, SECC, TN          | 11/25/1985                     | x     | x   | x   | —   | x   | —   | —   |
| Southeastern Cherokee Confederacy (SECC), GA        | 11/25/1985                     | x     | x   | x   | —   | x   | —   | —   |
| United Lumbee Nation of NC and America, CA          | 7/02/1985                      | x     | x   | x   | —   | x   | x   | —   |

| Petitioning Group Name                                 | Denial Decision Effective Date | 83.11 |     |     |     |     |     |     |
|--|--------------------------------|-------|-----|-----|-----|-----|-----|-----|
|  |                                | (a)   | (b) | (c) | (d) | (e) | (f) | (g) |
| Principal Creek Indian Nation, AL                      | 6/10/1985                      | x     | x   | x   | —   | —   | —   | —   |
| Kaweah Indian Nation, CA                               | 6/10/1985                      | x     | x   | x   | —   | x   | x   | —   |
| Munsee Thames River Delaware, CO                       | 1/03/1983                      | x     | x   | x   | —   | x   | —   | —   |
| Creeks East of the Mississippi, FL                     | 12/21/1981                     | x     | x   | x   | —   | x   | —   | —   |
| Lower Muskogee Creek Tribe-East of the Mississippi, GA | 12/21/1981                     | x     | x   | x   | —   | x   | —   | —   |

**Source:** Congressional Research Service, based on a review of denied petitions published on the website maintained by DOI’s Office of Federal Acknowledgement at <https://www.bia.gov/as-ia/ofa/petitions-resolved/denied>. Names of petitioning groups are as they appear on that website as of the date of this report.

**Notes:** DOI = Department of the Interior. An “x” in one of the 25 C.F.R. §83.11 columns indicates that DOI’s Office of Federal Acknowledgement determined that the petition failed to meet that subsection’s criteria.

## **Author Information**

Mariel J. Murray  
Specialist in Natural Resources Policy

Laura Deal  
Law Librarian

Mainon A. Schwartz  
Legislative Attorney

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