

Federal Recognition of Indian Tribes: The Administrative Process

Federal recognition (sometimes called *federal acknowledgment*) is a term of art formalizing a relationship between the United States and a recognized Indian Tribe, through which the Tribe becomes “eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”¹ Federal recognition engenders certain rights and protections for the recognized Tribe. There are currently **574** federally recognized Tribes.²

Under current federal law,³ a group of Indians may obtain federal recognition in **three** ways:



Executive
Administrative Process



Legislative
Act of Congress



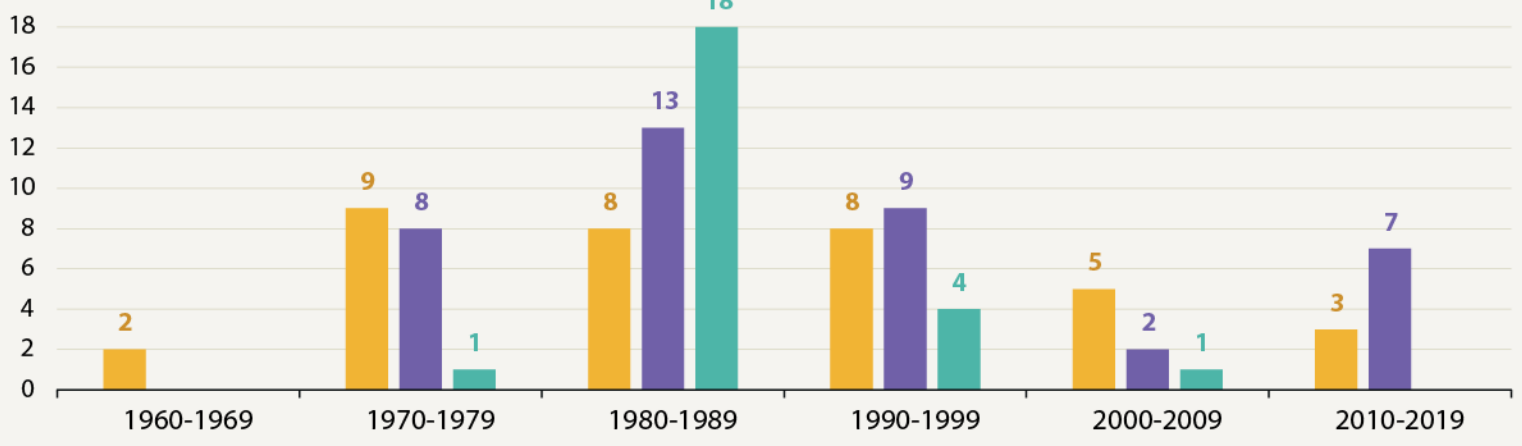
Judicial
Court Decision

The judicial route is now considered generally inaccessible, with courts deferring to executive and legislative determinations.⁴

Indian Tribal Entities Federally Recognized, Restored, or Reaffirmed Since 1960

Executive⁵ Legislative Judicial

Number of entities recognized

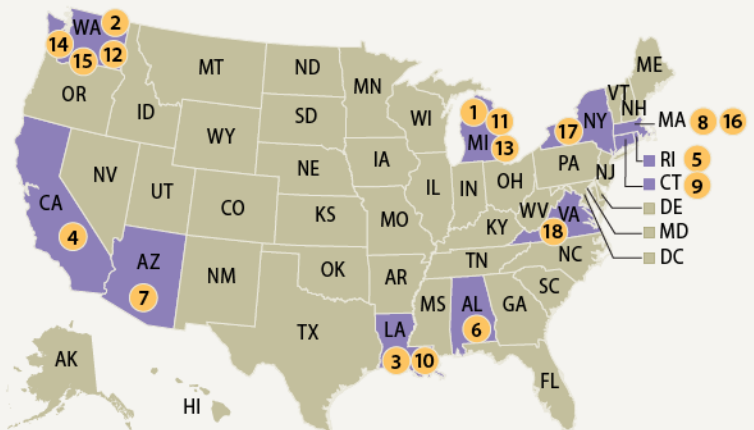


Tribes Acknowledged Through the 25 C.F.R. Part 83 Administrative Process

- 1 Grand Traverse Band of Ottawa & Chippewa Indians
Michigan - Aug. 2, 1980
- 2 Jamestown Clallam Tribe
Feb. 10, 1981 - Washington
- 3 Tunica-Biloxi Indian Tribe
Louisiana - Sept. 25, 1981
- 4 Death Valley Timbi Sha Shoshone Band
Jan. 3, 1983 - California
- 5 Narragansett Indian Tribe
Rhode Island - Apr. 11, 1983
- 6 Poarch Band of Creeks
Aug. 10, 1984 - Alabama
- 7 San Juan Southern Paiute Tribe
Arizona - Mar. 28, 1984
- 8 Wampanoag Tribal Council of Gay Head
Apr. 11, 1987 - Massachusetts
- 9 Mohegan Indian Tribe
Connecticut - Mar. 14, 1994
- 10 Jena Band of Choctaws
Aug. 29, 1995 - Louisiana
- 11 Huron Potawatomi Inc.
Michigan - Mar. 17, 1996
- 12 Samish Indian Tribe
Apr. 26, 1996 - Washington
- 13 Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians
Michigan - Aug. 23, 1999
- 14 Snoqualmie Indian Tribe
Oct. 6, 1999 - Washington
- 15 Cowlitz Tribe of Indians
Washington - Jan. 4, 2000
- 16 Mashpee Wampanoag
Feb. 15, 2007 - Massachusetts
- 17 Shinnecock Indian Nation
New York - Oct. 10, 2010
- 18 Pamunkey Indian Tribe
Jan. 28, 2016 - Virginia

25 C.F.R. Part 83 sets out procedures by which the Secretary of the Interior may extend federal recognition to a Tribe. Under these regulations, a Tribe seeking federal recognition generally must prove, among other things, that it

- has existed as a Native American/American Indian entity since 1900;
- comprises individuals descended from a historic Indian Tribe, most of whom are not also members of another federally recognized Tribe;
- can satisfy certain community and identity criteria, such as maintaining a level of authority or influence over its members; and
- has not had a relationship with the United States expressly terminated or prohibited by Congress.



List of Tribes acknowledged through 25 C.F.R. Part 83 obtained from the Department of the Interior, Office of Federal Acknowledgment on January 11, 2023. In some cases, these names may not reflect current tribal names. Dates reflect the source's assessment of when the federal acknowledgment became legally effective.

Sources: This information was compiled by CRS on January 11, 2023, based on searches for notices published in the *Federal Register* and searches for legislation and agency documents on Congress.gov, Lexis+, and ProQuest Congressional for variations of the terms *Indian*, *tribe*, *federal*, *recognize*, *Indian Reorganization Act*, *Act of June 18, 1934*. Other search strategies may yield different results.

¹ Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs, 88 Fed. Reg. 2112 (Jan. 12, 2023).

² See CRS Report R47414, *The 574 Federally Recognized Indian Tribes in the United States*, by Mainon A. Schwartz.

³ Pub. L. No. 103-454, § 103(3), 108 Stat. 4791 (1994).

⁴ *Wyandot Nation v. United States*, 858 F.3d 1392, 1401-02 (Fed. Cir. 2017).

⁵ This includes any recognition-related action taken by the Department of the Interior (DOI) or a DOI official, including but not limited to determinations under 25 C.F.R. Part 83.

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