

Tribal Issues Overview, Resources, and Glossary: In Brief

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Introduction

This report provides a high-level introduction to tribal and other Indigenous issues as well as a brief overview of federal programs, services, and funding for federally recognized Tribes, tribal citizens, and other Indigenous entities. The report also lists related CRS products available as additional resources. **Appendix A** contains a glossary of terms related to tribal and other Indigenous entities, and **Appendix B** lists selected statutes that authorize the federal government to provide programs and services benefiting Tribes, tribal citizens, and other Indigenous entities.

Federally Recognized Tribes

The United States is home to 574 *federally recognized Tribes* (hereinafter *Tribes*)—entities formally recognized as having a government-to-government relationship with the United States entailing special rights, immunities, and privileges.¹ Tribes are “domestic dependent nations” that exercise inherent sovereign authority, including over internal tribal affairs.² Although tribal sovereignty preexists the Constitution,³ the Indian Commerce Clause and other constitutional provisions give Congress broad and exclusive authority to legislate on issues related to Tribes.⁴ Accordingly, Congress may circumscribe Tribes’ sovereignty at its sole discretion, but state and local entities generally may not.⁵

Congress enacts various laws to fulfill 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 Tribes and tribal citizens.⁶ Congress’s approach to the trust responsibility, and to tribal issues generally, has fluctuated over time. In the 1700s and 1800s, Congress ratified treaties with Tribes whereby Tribes often ceded lands to the United States and were removed to areas, often including *reservations* held in trust for Tribes by the United States, that were far from those Tribes’ ancestral lands.⁷ In the late 1800s and early 1900s, laws often focused on assimilating Tribes into mainstream American culture, including by dividing tribal lands into individual allotments.⁸ In the 1930s and 1940s, Congress ended the allotment policy and granted more administrative control to Tribes, especially with the passage of the Indian Reorganization Act of 1934.⁹ In the

¹ 25 C.F.R. §83.2.

² *Okla. Tax Comm’n v. Citizen Band Potawatomi Tribe of Okla.*, 498 U.S. 505, 509 (1991) (quoting *Cherokee Nation v. Georgia*, 5 Pet. 1, 17 (1831)).

³ *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 56 (1978).

⁴ See *United States v. Lara*, 541 U.S. 193, 200 (2004) (“[T]he Constitution grants Congress” powers “we have consistently described as ‘plenary and exclusive’” to “legislate in respect to Indian tribes.”).

⁵ *Michigan v. Bay Mills Indian Cmty.*, 572 U.S. 782, 788 (2014) (quoting *United States v. Wheeler*, 435 U.S. 313, 323 (1978)) (“The sovereignty that the Indian tribes retain is of a unique and limited character. It exists only at the sufferance of Congress, and is subject to complete defeasance. But until Congress acts, the tribes retain their existing sovereign powers. In sum, Indian tribes still possess those aspects of sovereignty not withdrawn by treaty or statute, or by implication as a necessary result of their dependent status.”).

⁶ *Seminole Nation v. United States*, 316 U.S. 286, 296-297 (1942).

⁷ The governments of the 13 original colonies and, later, the United States negotiated treaties with Indigenous peoples until about 1871, when Congress ended this practice through the Indian Appropriations Act of 1871 (25 U.S.C. §71, Act of March 3, 1871, ch. 120, §1, 16 Stat. 566). See also National Archives, “Native American Heritage: American Indian Treaties,” <https://www.archives.gov/research/native-americans/treaties>. *Reservations* include lands reserved for a Tribe (or multiple Tribes) by treaty, statute, or other agreement (25 C.F.R. §151.2).

⁸ See, for example, General Allotment Act of 1887 (Dawes Act), ch. 119, 24 Stat. 388.

⁹ P.L. 73-383, 48 Stat. 984 (1934).

1950s and 1960s, Congress began terminating the federal recognition of some Tribes in an effort to integrate them into the general population.¹⁰ That period ended with passage of the Indian Self-Determination and Education Assistance Act (ISDEAA) in 1975, through which Congress established a policy of tribal self-determination, respecting and promoting Tribes' autonomy to manage their own affairs.¹¹

The resources listed below provide additional background information on issues related to federally recognized Tribes:

- CRS Report R47346, *Tribal and Other Indigenous Issues: CRS Experts and Points of Contact*, by Elayne J. Heisler, Mainon A. Schwartz, and Mariel J. Murray
- CRS Video WVB00538, *Introduction to Tribal Issues Webinar*, by Mainon A. Schwartz et al.
- CRS Report R47414, *The 574 Federally Recognized Indian Tribes in the United States*, by Mainon A. Schwartz
- CRS Infographic IG10038, *Federal Recognition of Indian Tribes: The Administrative Process*, by Mainon A. Schwartz
- CRS Report R48093, *Federal-Tribal Consultation: Background and Issues for Congress*, coordinated by Mariel J. Murray
- CRS Report R48256, *Tribal Self-Determination Authorities: Overview and Issues for Congress*, coordinated by Mariel J. Murray
- CRS In Focus IF12612, *American Indian, Alaska Native, and Tribal Population Data*, by Ben Leubsdorf, Mariel J. Murray, and Nik Taylor
- CRS Report R48360, *Tribal Lands: Overview and Issues for Congress*, by Mariel J. Murray

Other Indigenous Entities

In addition to legislating on issues related to federally recognized Tribes, Congress enacts legislation relating to *other Indigenous entities*, such as state-recognized tribes, Native Hawaiians and Native Hawaiian Organizations, and Alaska Native Corporations.¹² *State-recognized tribes* are tribal entities that, although they may not have a government-to-government relationship with the United States, have had their tribal identity formally recognized by a state government. Although there are no Tribes in Hawaii, at times Congress has recognized a special trust responsibility toward Native Hawaiians and acknowledged certain Native Hawaiian Organizations whose mission is to preserve Native Hawaiian culture and identity.¹³ Alaska Native Corporations are unique, state-chartered nonprofit or for-profit entities authorized by the Alaska Native Claims Settlement Act (ANCSA) to manage resources and investments for the benefit of their Alaska Native shareholders.¹⁴ Other Indigenous entities may include individuals who claim Indigenous ancestry or identity. Some Indigenous peoples live or have lived in the U.S. territories

¹⁰ See, for example, Felix S. Cohen, "Section 1.06 Termination (1943–1961)" in *Handbook of Federal Indian Law* (LexisNexis, 2005) (noting that, starting in the 1950s, the federal government adopted an official "policy of rapid assimilation through termination").

¹¹ P.L. 93-638, 88 Stat. 2203 (1975) (current version codified at 25 U.S.C. ch. 46, §§5301-5423).

¹² See, for example, Alaska Native Claims Settlement Act, P.L. 92-203, 85 Stat. 688 (1971).

¹³ See, for example, 42 U.S.C. §11701.

¹⁴ See P.L. 92-203, 85 Stat. 688 (1971).

and other outlying and insular areas, which include American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

The resources listed below provide background information on some of these other Indigenous entities:

- CRS Report R46997, *Alaska Native Lands and the Alaska Native Claims Settlement Act (ANCSA): Overview and Selected Issues for Congress*, by Mariel J. Murray
- CRS Report R47511, *Subsistence Uses of Resources in Alaska: An Overview of Federal Management*, by Mark K. DeSantis and Erin H. Ward
- CRS In Focus IF11792, *Statehood Process and Political Status of U.S. Territories: Brief Policy Background*, by R. Sam Garrett

Federal Programs, Services, and Funding for Tribes, Tribal Citizens, and Other Indigenous Entities

The federal trust responsibility may include a duty to protect tribal treaty rights, lands, assets, and water resources, and to ensure tribal access to education, health care, or other services. Therefore, enrolled tribal members (also termed *tribal citizens*) may be eligible for certain federal programs and services. Generally, status as a tribal citizen is distinct from individual self-identification as American Indian/Alaska Native (AI/AN) or Native American, which are categories of ethnic identity used in certain contexts, such as on surveys conducted by the U.S. Census Bureau.¹⁵

To fulfill the federal trust responsibility, Congress has enacted multiple laws authorizing programs, services, or funding for Tribes, tribal citizens, and other Indigenous entities. All federal departments must uphold the federal trust responsibility, but Congress specifically directed three agencies to serve Tribes and tribal citizens: the Bureau of Indian Affairs,¹⁶ the Bureau of Indian Education,¹⁷ and the Indian Health Service.¹⁸ At other federal departments, Congress has authorized programs and services for Tribes 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. Similarly, appropriations laws for various federal departments often include funding for Tribes, tribal citizens, and other Indigenous entities.

Since 2004, the White House Office of Management and Budget (OMB) has produced an annual *Native American Funding Crosscut (Crosscut)*, which is one of the few publicly available federal sources of information about federal funding of programs, projects, and activities that, in whole or in part, relate to AI/ANs.¹⁹ The FY2025 Crosscut defines AI/AN as including individuals, tribal governments, village governments, urban Indian organizations, and tribal communities.²⁰ The

¹⁵ U.S. Census Bureau, “American Indian or Alaska Native,” in *Glossary*, accessed April 2, 2025, <https://www.census.gov/glossary/?term=American+Indian+or+Alaska+Native>.

¹⁶ U.S. Department of the Interior (DOI), Bureau of Indian Affairs (BIA), <https://www.bia.gov/>.

¹⁷ DOI, Bureau of Indian Education (BIE), <https://www.bie.edu/>.

¹⁸ U.S. Department of Health and Human Services (HHS), Indian Health Service (IHS), <https://www.ihs.gov/>.

¹⁹ Office of Management and Budget (OMB), “Tribal Consultation,” May 23, 2022, <https://bidenwhitehouse.archives.gov/omb/tribal-consultation/>.

²⁰ See OMB, *FY 2025 Native American Funding Crosscut*, November 2024, https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/12/2025-Native-American-Funding-Crosscut-Report_508.pdf.

Crosscut is therefore not limited to programs benefitting federally recognized Tribes but nonetheless provides perspective on a range of related programs.

The resources listed below provide information about various federal programs, services, and funding for Tribes, tribal citizens, and other Indigenous entities:

- CRS Report R47723, *Bureau of Indian Affairs: Overview of Budget Issues and Options for Congress*, by Mariel J. Murray
- CRS Report RL34205, *Indian Elementary-Secondary Education: Programs, Background, and Issues*, by Cassandra Dortch
- CRS Report R43330, *The Indian Health Service (IHS): An Overview*, by Elayne J. Heisler
- CRS In Focus IF12905, *The Native American Housing Assistance and Self-Determination Act (NAHASDA)*, by Katie Jones
- CRS In Focus IF12569, *Law Enforcement on Tribal Lands*, by Nathan James
- CRS In Focus IF12527, *Indian Gaming Regulatory Act: Gaming on Indian Lands*, by Mariel J. Murray and Madeline W. Donley
- CRS In Focus IF12616, *Department of the Interior Support for Tribal Water Projects*, by Charles V. Stern, Mariel J. Murray, and Anna E. Normand
- CRS In Focus IF12460, *Tribal Disaster Risk and Selected Federal Resources*, by Mariel J. Murray et al.
- CRS Report R47640, *Energy Leasing and Agreement Authorities on Tribal Lands: In Brief*, by Mariel J. Murray
- CRS In Focus IF12129, *Tribal Highway and Public Transportation Programs*, by William J. Mallett
- CRS In Focus IF12160, *Farm Bill Primer: Support for Tribal Food and Agriculture*, by Renée Johnson
- CRS In Focus IF12523, *Repatriation of Native American Remains and Cultural Items: Requirements for Agencies and Institutions*, by Mark K. DeSantis and Nik Taylor

Appendix A. Glossary

This glossary of common terms and acronyms related to tribal issues is provided for general reference. Terminology related to tribal and other Indigenous entities may vary by statute.

- **Alaska National Interest Lands Conservation Act (ANILCA).** Enacted in 1980, ANILCA is the primary statute governing the management of federal lands within Alaska. ANILCA recognized and protected subsistence uses on the lands designated by the act, as well as on all conservation system units in Alaska established prior to and after ANILCA's enactment.²¹
- **Alaska Native.** Per the Alaska Native Claims Settlement Act (ANCSA), "Alaska Native" generally refers to citizens of the United States who are "one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community) Eskimo, or Aleut blood, or combination thereof."²²
- **Alaska Native Claims Settlement Act (ANCSA).** ANCSA granted both land and a settlement payment to Alaska Native Corporations (ANCs) and Alaska Natives in exchange for extinguishing aboriginal claims to Alaska lands. ANCSA also permitted Alaska Native Tribes to form ANCs to own and manage resources for the benefit of their Alaska Native shareholders.²³
- **Alaska Native Corporation (ANC).** ANCSA divided the state of Alaska into 12 geographic regions and allowed Alaska Native Tribes (otherwise known as Alaska Native Villages) to form Regional ANCs for each region, as well as Village ANCs for each Alaska Native Village. ANCs are state-registered corporations that may own and manage resources for the benefit of their Alaska Native shareholders.²⁴ ANCs themselves are not Tribes, although Alaska Native Villages are physically located within ANC boundaries. ANCs are included within some statutory definitions of "Indian tribe."²⁵
- **American Indian Religious Freedom Act (AIRFA).** AIRFA establishes that the policy of the United States is "to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rights."²⁶
- **Assistant Secretary for Indian Affairs (AS-IA).** The AS-IA leads the Office of the Assistant Secretary–Indian Affairs, which is one of four Indian Affairs bureaus at the Department of the Interior (DOI).²⁷ The AS-IA helps the Secretary of the Interior fulfill the department's federal trust responsibilities.

²¹ P.L. 96-487, 94 Stat. 2371 (1980).

²² P.L. 92-203, §3(b), 85 Stat. 688, 689 (1971).

²³ P.L. 92-203, §3(g) and §3(j), 85 Stat. 691, 692 (1971).

²⁴ P.L. 92-203, §3(g) and §3(j), 85 Stat. 691, 692 (1971).

²⁵ See, for example, P.L. 93-638, 88 Stat. 2203 (1975); *Yellen v. Confederated Tribes of the Chehalis Reservation*, 594 U.S. 338, 367 (2021).

²⁶ P.L. 95-341, 92 Stat. 469 (1978).

²⁷ DOI, BIA, "Office of the Assistant Secretary for Indian Affairs," <https://www.bia.gov/as-ia>. The other Indian Affairs bureaus are BIA, BIE, and the Bureau of Trust Fund Administration (BTFA).

- **Bureau of Indian Affairs (BIA).** BIA is one of four Indian Affairs bureaus at DOI.²⁸ BIA is the lead federal agency charged with providing federal services to Tribes and tribal citizens. When the Snyder Act of 1921 permanently authorized federal tribal programs, it directed BIA to use federal funds to provide services and assistance to Tribes and tribal citizens.²⁹
- **Bureau of Indian Education (BIE).** BIE is one of four Indian Affairs bureaus at DOI. The Secretary of the Interior established BIE in 2006 to house BIA's Office of Indian Education Programs.³⁰ Since then, BIE has been the lead federal agency charged with providing education to tribal children.³¹ In addition to the Snyder Act, which permanently authorized BIA (and later BIE) to operate education programs for Tribes, specific statutes have authorized most BIE programs.³²
- **Bureau of Trust Fund Administration (BTFA).** BTFA is one of four Indian Affairs bureaus at DOI, established in 2020 as part of a reorganization. BTFA manages the financial assets of American Indians that are held in trust by the United States.³³
- **Contract support cost (CSC).** CSCs are the "reasonable costs for activities" that a Tribe, tribal organization, or tribal consortia would incur to ensure compliance with the Indian Self-Determination and Education Assistance Act (ISDEAA).³⁴
- **Enhanced Tribal Card (ETC).** ETCs are a form of identification that some Tribes may issue pursuant to signed agreements with U.S. Customs and Border Protection (CBP).³⁵ These Tribes issue ETCs to ensure compliance with the requirements of the Western Hemisphere Travel Initiative, and the ETCs may be accepted by entities such as CBP as proof of identity and citizenship.³⁶
- **Federally recognized Tribe (sometimes called "Indian tribe" or "Tribe").** Generally, a federally recognized Tribe is an entity that is "eligible for the special programs and services provided by the United States to Indians because of their status as Indians."³⁷
- **477 program.** The Indian Employment, Training and Related Services Demonstration Act of 1992 established a pilot program permitting Tribes to consolidate employment- and training-related grant funds from multiple federal programs into a single funding stream. Tribes can request to consolidate funding from different federal programs by submitting a "477 plan," and BIA and the affected agency determine whether to approve the plan.³⁸

²⁸ DOI, BIA, <https://www.bia.gov/>.

²⁹ P.L. 67-85, 42 Stat. 208 (1921).

³⁰ DOI, BIE, <https://www.bie.edu/>.

³¹ DOI, BIE, <https://www.bie.edu/>.

³² Snyder Act, P.L. 67-85, 42 Stat. 208 (1921). Other statutes include the Every Student Succeeds Act, P.L. 114-95, 129 Stat. 1802 (2015); and the Tribally Controlled Schools Act of 1988, P.L. 100-297, 102 Stat. 130, 385.

³³ DOI, BTFA, <https://www.bia.gov/btfa>.

³⁴ 25 U.S.C. §5325; 25 U.S.C. §5363.

³⁵ U.S. Customs and Border Protection, <https://www.cbp.gov/>.

³⁶ See 8 U.S.C. §1185 note (Western Hemisphere Travel Initiative); 8 C.F.R. §235.1(e).

³⁷ See 25 C.F.R. §83.2.

³⁸ P.L. 102-477, 106 Stat. 2302 (1992) (current version at 25 U.S.C. ch. 36). This authority and its associated tribal plans are popularly known as "477" after the original public law number.

- **Indian Child Welfare Act (ICWA).** ICWA is a 1978 law meant “to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families.”³⁹
- **Indian Civil Rights Act (ICRA).** Among other things, ICRA (sometimes known as the Indian Bill of Rights) statutorily imposed limits on tribal governments similar (but not identical) to some of the U.S. Constitution’s Bill of Rights limitations on the federal government. Among other things, ICRA limited tribal justice systems’ sentencing authority to one year of imprisonment and/or a \$5,000 fine.⁴⁰
- **Indian Gaming Regulatory Act (IGRA).** In 1988, Congress enacted IGRA to regulate gaming on tribal lands.⁴¹
- **Indian Health Care Improvement Act of 1976 (IHCIA).** The IHCIA authorizes many specific Indian Health Service activities, sets out the national policy for health services administered to Indians, and sets health condition goals for the IHS service population to reduce “the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.”⁴²
- **Indian Health Service (IHS).** IHS, housed within the Department of Health and Human Services (HHS), is the lead federal agency charged with improving the health of Tribes and tribal citizens.⁴³ The Snyder Act of 1921 permanently authorized federal-tribal health-related programs.⁴⁴
- **Indian Reorganization Act (IRA).** In 1934, Congress enacted the IRA. Among other things, the IRA encourages the establishment of tribal governments and constitutions and authorizes the Secretary of the Interior to acquire land and place it into trust for the benefit of a Tribe or tribal citizen.⁴⁵
- **Indian Self-Determination and Education Assistance Act (ISDEAA or ISDA).** ISDEAA enables certain tribal entities, such as Tribes, tribal organizations, and tribal consortia, to administer programs that would otherwise be managed by certain federal departments and agencies.⁴⁶ Pursuant to a 2021 U.S. Supreme Court decision, *Yellen v. Confederated Tribes of the Chehalis Reservation*, ISDEAA’s definition of “Indian tribe” includes ANCs.⁴⁷
- **Indian tribe.** This term is used in multiple statutes, generally to refer to federally recognized Tribes, but it is not always consistently defined. Two frequently referenced definitions are found in ISDEAA and the Federally Recognized Indian Tribe List Act of 1994.⁴⁸
- **Indigenous.** This term, which is generally used to refer to the people or groups of people who are original habitants of a place, is not consistently defined in the domestic or international legal context. Within the United States, it may refer to members of federally

³⁹ P.L. 95-608, 92 Stat. 3069 (1978).

⁴⁰ P.L. 90-284, 82 Stat. 73 (1968). See 25 U.S.C. §1302.

⁴¹ P.L. 100-497, 102 Stat. 2467 (1988).

⁴² P.L. 94-437, 90 Stat. 1400 (1976).

⁴³ HHS, IHS, <https://www.ihs.gov/>.

⁴⁴ P.L. 67-85, 42 Stat. 208 (1921).

⁴⁵ P.L. 73-383, 48 Stat. 984 (1934).

⁴⁶ P.L. 93-638, 88 Stat. 2203 (1975).

⁴⁷ 594 U.S. 338, 367 (2021).

⁴⁸ §4(b), 88 Stat. 2204; P.L. 103-454 §102(2), 108 Stat. 4791 (1994).

- recognized Tribes, Native Hawaiians, Alaska Natives, and descendants of other groups that pre-dated European colonization of the Americas.⁴⁹
- **Johnson-O'Malley Act (JOM).** Under the JOM program, BIE contracts with tribal organizations, states, local educational agencies, and tribal corporations to meet the unique educational needs of eligible tribal students in public schools, private nonsectarian schools, and previously private schools controlled by a Tribe or tribal organization.⁵⁰
 - **List Act.** The Federally Recognized Indian Tribe List Act of 1994 (List Act) requires the Secretary of the Interior to publish an annual list of Tribes.⁵¹ This list does not include ANCs.
 - **National Indian Gaming Commission (NIGC).** The NIGC is the federal Indian gaming regulatory body created by IGRA.⁵²
 - **Native American Graves Protection and Repatriation Act (NAGPRA).** In 1990, Congress enacted NAGPRA. Among other things, NAGPRA provides for the regulation of the intentional or inadvertent discovery of Native American human remains and cultural items, including funerary objects, sacred objects, and objects of cultural patrimony, on federal or tribal lands.⁵³
 - **Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA).** NAHASDA reorganized the provision of federal housing assistance for Tribes. It replaced Tribes' eligibility for several existing federal housing programs with a formula grant program, the Indian Housing Block Grant, that Tribes can use for a range of affordable housing activities primarily for low-income tribal citizens.⁵⁴
 - **Native Hawaiian.** Statutes and regulations offer various definitions of *Native Hawaiian*. In particular, multiple statutes define a Native Hawaiian as a descendant of the Indigenous people who, "prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii."⁵⁵
 - **Native Hawaiian Organization (NHO).** Statutes and regulations offer various definitions of NHO. For example, regulations implementing the National Historic Preservation Act define Native Hawaiian Organization as "any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians."⁵⁶

⁴⁹ See, e.g., National Historic Preservation Act, P.L. 89-665, 80 Stat. 915 (1966); Alaska Native Claims Settlement Act, P.L. 92-203, 85 Stat. 688 (1971).

⁵⁰ Johnson-O'Malley Act means the Act of April 16, 1934 (48 Stat. 596). See also 25 U.S.C. §5342; 25 C.F.R. Part 273.

⁵¹ 108 Stat. 4791 (1994).

⁵² National Indian Gaming Commission, <https://www.nigc.gov/>.

⁵³ P.L. 101-601, 104 Stat. 3048 (1990).

⁵⁴ P.L. 104-330, 110 Stat. 4016 (1996).

⁵⁵ See, for example, the definition of *Native Hawaiian* in the Native American Graves Protection and Repatriation Act (P.L. 101-601, 104 Stat. 3049 (1990)); see also Native Hawaiian Health Care Act of 1988, P.L. 100-579, 102 Stat. 2916 (1988); P.L. 113-287, §3, 128 Stat. 3190 (2014).

⁵⁶ 36 C.F.R. §800.16.

- **105(l) lease.** ISDEAA requires DOI and HHS to enter into leases—commonly referred to as 105(l) leases—to pay for tribally owned or rented facilities that are used to support activities under ISDEAA agreements.⁵⁷
- **Public Law 280 (“PL 280”).** In 1953, Congress enacted P.L. 83-280, often called “PL 280,” which gave six states—Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin—criminal and partial civil jurisdiction over tribal citizens and other people on tribal lands. That law also permitted other states to opt into similar jurisdictional arrangements, and Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Utah, and Washington elected to do so.⁵⁸ In 1968, Congress amended the law to require tribal consent before states could assume additional jurisdiction, and no Tribes have provided consent since then.⁵⁹ Jurisdiction for offenses committed on tribal lands is determined by a combination of the type of offense, the status of the encompassing state with regard to PL 280, and whether the victim and/or offender are tribal citizens.
- **Self-determination or “638” contract.** ISDEAA Title I authorized DOI and HHS to enter into self-determination or “638” contracts with Tribes and tribal organizations.⁶⁰ Through these contracts, Tribes and tribal organizations may request to assume funding of and control over DOI or HHS programs, functions, services, or activities that the departments would otherwise provide directly to Tribes or tribal citizens.
- **State-recognized tribe.** This term refers to any tribe that is not federally recognized but has been acknowledged under state law and in some cases resides on state-recognized reservations. State-recognized tribes are generally ineligible for federal benefits provided to federally recognized Tribes.
- **Tribal government.** In some statutes, this term refers to the recognized governing body of a Tribe.⁶¹
- **Tribal organization.** ISDEAA defines a tribal organization as “the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.”⁶²
- **Urban Indian Organization (UIO).** The IHCA defines UIO as “a nonprofit corporate body situated in an urban center, governed by an urban Indian controlled board of directors, and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities” for the purposes of providing health care and referral services for tribal citizens who reside in urban areas.⁶³
- **Violence Against Women Act (VAWA).** VAWA was originally enacted in 1994 to address congressional concerns about violent crime, and violence against women in

⁵⁷ See 25 U.S.C. §5325(l). These leases are commonly called 105(l) leases because they are authorized under the Indian Self-Determination and Education Assistance Act (ISDEAA), §105(l).

⁵⁸ 67 Stat. 588 (1953).

⁵⁹ Act of April 11, 1968, P.L. 90-284, §403, 82 Stat. 79.

⁶⁰ ISDEAA, P.L. 93-638, 88 Stat. 2203, 2206 (1975). These contracts are popularly known as “638 contracts” after ISDEAA’s original public law number.

⁶¹ See, for example, the CARES Act, Title VI, P.L. 116-136, 134 Stat. 504 (2020).

⁶² P.L. 93-638, §4(c), 88 Stat. 2204.

⁶³ 25 U.S.C. §1603(29).

particular, in several ways.⁶⁴ VAWA has been reauthorized several times. The Violence Against Women Reauthorization Act of 2013 gave Tribes the authority to enforce tribal laws pertaining to domestic violence and related crimes against non-tribal citizens.⁶⁵

⁶⁴ P.L. 103-322, Title IV, 108 Stat. 1796, 1902-1955 (1994).

⁶⁵ P.L. 113-4, §904, 127 Stat. 54, 120-123 (2013).

Appendix B. Selected Authorizing Statutes

The following list contains selected statutes that authorize the federal government to provide programs and services for Tribes, tribal citizens, and other Indigenous entities. This list does not include laws relating to specific Tribes or legal settlements. This list is not comprehensive and is intended for informational purposes only.

General Authorizations

- Federally Recognized Indian Tribe List Act of 1994 (List Act)⁶⁶
- Indian Reorganization Act of 1934 (IRA)⁶⁷
- Indian Self-Determination and Education Assistance Act (ISDEAA)⁶⁸
- Snyder Act of 1921⁶⁹

Agriculture

- Agriculture Improvement Act of 2018⁷⁰
- American Indian Agriculture Resource Management Act⁷¹

Child Welfare

- Indian Child Protection and Family Violence Prevention Act⁷²
- Indian Child Welfare Act (ICWA)⁷³
- Native American Children's Safety Act⁷⁴

Cultural Resources

- American Indian Religious Freedom Act of 1978 (AIRFA)⁷⁵
- Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)⁷⁶

Economic Development

- Indian Arts and Crafts Act of 1990⁷⁷
- Indian Community Economic Enhancement Act of 2020⁷⁸

⁶⁶ P.L. 103-454, 108 Stat. 4791 (1994).

⁶⁷ P.L. 73-383, 48 Stat. 984 (1934).

⁶⁸ P.L. 93-638, 88 Stat. 2203 (1975).

⁶⁹ P.L. 67-85, 42 Stat. 208 (1921).

⁷⁰ P.L. 115-334, 132 Stat. 4490 (2018).

⁷¹ P.L. 103-177, 107 Stat. 2011 (1993).

⁷² P.L. 101-630, Title IV, 104 Stat. 4531, 4544-4556 (1990).

⁷³ P.L. 95-608, 92 Stat. 3069 (1978).

⁷⁴ P.L. 114-165, 130 Stat. 415 (2016).

⁷⁵ P.L. 95-341, 92 Stat. 469 (1978).

⁷⁶ P.L. 101-601, 104 Stat. 3048 (1990).

⁷⁷ P.L. 101-644, 104 Stat. 4662 (1990).

⁷⁸ P.L. 116-261, 134 Stat. 3306 (2020).

- Indian Employment Training and Related Services Demonstration Act of 1992 (477 program)⁷⁹
- Indian Financing Act of 1974⁸⁰
- Indian Gaming Regulatory Act (IGRA)⁸¹
- Native American Business Incubators Program Act⁸²
- Native American Tourism and Improving Visitor Experience Act⁸³

Education

- Johnson-O'Malley Act (JOM)⁸⁴
- Tribally Controlled Schools Act of 1988⁸⁵

Health Care

- Indian Health Care Improvement Act of 1976 (IHCIA)⁸⁶
- Native Hawaiian Health Care Act of 1988⁸⁷

Housing

- Hawaiian Homes Commission Act, 1920⁸⁸
- Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA)⁸⁹

Justice

- Indian Civil Rights Act of 1968 (ICRA)⁹⁰
- Indian Law Enforcement Reform Act⁹¹
- Indian Tribal Justice Act⁹²
- Not Invisible Act of 2019⁹³

⁷⁹ P.L. 102-477, 106 Stat. 2302 (1992).

⁸⁰ P.L. 93-262, 88 Stat. 77 (1974).

⁸¹ P.L. 100-497, 102 Stat. 2467 (1988).

⁸² P.L. 106-568, 114 Stat. 2868 (2000).

⁸³ P.L. 114-221, 130 Stat. 847 (2016).

⁸⁴ P.L. 73-167, 48 Stat. 596 (1934).

⁸⁵ P.L. 100-297, Title V, 102 Stat. 130, 363-422 (1988).

⁸⁶ P.L. 94-437, 90 Stat. 1400 (1976).

⁸⁷ P.L. 100-579, 102 Stat. 2916 (1988).

⁸⁸ P.L. 67-34, 42 Stat. 108 (1921).

⁸⁹ P.L. 104-330, 110 Stat. 4016 (1996).

⁹⁰ P.L. 90-284, 82 Stat. 73 (1968).

⁹¹ P.L. 103-322, Title IV, 108 Stat. 1796, 1902-1955 (1994), amended by the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, §904, 127 Stat. 54, 120-123.

⁹² P.L. 103-176, 107 Stat. 2004 (1993).

⁹³ P.L. 116-166, 134 Stat. 766 (2020).

- Public Law 280 (PL 280)⁹⁴
- Savanna's Act⁹⁵
- Tribal Law and Order Act⁹⁶
- Violence Against Women Act (VAWA)⁹⁷

Lands and Assets

- Alaska National Interest Lands Conservation Act of 1980 (ANILCA)⁹⁸
- Alaska Native Claims Settlement Act (ANCSA)⁹⁹
- American Indian Probate Reform Act of 2004¹⁰⁰
- Hawaiian Homes Commission Act, 1920¹⁰¹
- Indian Land Consolidation Act Amendments of 2000¹⁰²
- Indian Trust Asset Reform Act¹⁰³
- Indian Trust Fund Management Reform Act of 1994¹⁰⁴

Natural Resources

- Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act)¹⁰⁵
- Indian Land Consolidation Act¹⁰⁶
- Indian Mineral Development Act of 1982¹⁰⁷
- Indian Tribal Energy Development and Self-Determination Act of 2005¹⁰⁸
- Long-Term Leasing Act¹⁰⁹
- National Indian Forest Resources Management Act¹¹⁰

⁹⁴ P.L. 83-280, 67 Stat. 588 (1953).

⁹⁵ P.L. 116-165, 134 Stat. 760 (2020).

⁹⁶ P.L. 111-211, 124 Stat. 2258 (2010).

⁹⁷ P.L. 103-322, Title IV, 108 Stat. 1796, 1902-1955 (1994).

⁹⁸ P.L. 96-487, 94 Stat. 2371 (1980).

⁹⁹ P.L. 92-203, 85 Stat. 688 (1971).

¹⁰⁰ P.L. 108-374, 118 Stat. 1773 (2004).

¹⁰¹ P.L. 67-34, 42 Stat. 108 (1921).

¹⁰² P.L. 106-462, 114 Stat. 1991 (2000).

¹⁰³ P.L. 114-178, 130 Stat. 432 (2016).

¹⁰⁴ P.L. 103-412, 108 Stat. 4239 (1994).

¹⁰⁵ P.L. 112-151, 126 Stat. 1150 (2012).

¹⁰⁶ P.L. 97-459, 96 Stat. 2515 (1983).

¹⁰⁷ P.L. 97-382, 96 Stat. 1938 (1982).

¹⁰⁸ P.L. 109-58, Title V, 119 Stat. 594, 763-779 (2005).

¹⁰⁹ P.L. 84-615, 70 Stat. 334 (1956).

¹¹⁰ P.L. 101-630, Title III, 104 Stat. 4531, 4532-4544 (1990).

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