

<p style="text-align: center;">25 CFR Part 83</p> <p style="text-align: center;">Federal Acknowledgement of American Indian Tribes</p>	<p style="text-align: center;">H.R. 3764</p> <p style="text-align: center;">Tribal Recognition Act of 2015</p>
<p>§ 83.11</p>	<p>SEC. 7. CRITERIA FOR FEDERAL ACKNOWLEDGMENT.</p>
<p>The criteria for acknowledgment as a federally recognized Indian tribe are delineated in subsections (a) through (g) of this section.</p>	<p>The criteria for consideration for Federal acknowledgment is, at a minimum, the following:</p>
<p>(a) Indian Entity Identification. The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group's character as an Indian entity has from time to time been denied will not be considered to be conclusive evidence that this criterion has not been met. Evidence to be relied upon in 115 determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification.</p>	<p>(1) The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met. Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members:</p>
<p>(1) Identification as an Indian entity by Federal authorities.</p>	<p>(A) Identification as an Indian entity by Federal authorities.</p>
<p>(2) Relationships with State governments based on identification of the group as Indian</p>	<p>(B) Relationships with State governments based on identification of the group as Indian.</p>
<p>(3) Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity.</p>	<p>(C) Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity.</p>
<p>(4) Identification as an Indian entity by anthropologists, historians, and/or other scholars.</p>	<p>(D) Identification as an Indian entity by anthropologists, historians, and/or other scholars.</p>

<p>(5) Identification as an Indian entity in newspapers and books.</p>	<p>(E) Identification as an Indian entity in newspapers and books.</p>
<p>(6) Identification as an Indian entity in relationships with Indian tribes or with national, regional, or state Indian organizations.</p>	<p>(F) Identification as an Indian entity in relationships with Indian tribes or with national, regional, or State Indian organizations.</p>
<p>(7) Identification as an Indian entity by the petitioner itself.</p>	
<p>(b) Community. The petitioner comprises a distinct community and demonstrates that it existed as a community from 1900 until the present. Distinct community means an entity with consistent interactions and significant social relationships within its membership and whose members are differentiated from and distinct from nonmembers. Distinct community must be understood flexibly in the context of the history, geography, culture, and social organization of the entity. The petitioner may demonstrate that it meets this criterion by providing evidence for known adult members or by providing evidence of relationships of a reliable, statistically significant sample of known adult members.</p>	<p>(2) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.</p>
<p>(1) The petitioner may demonstrate that it meets this criterion at a given point in time by some combination of two or more of the following forms of evidence or by other evidence to show that a significant and meaningful portion of the petitioner’s members constituted a distinct community at a given point in time:</p>	<p>(A) This criterion may be demonstrated by some combination of the following evidence and/or other evidence that the petitioner meets the definition of community:</p>
<p>(i) Rates or patterns of known marriages within the entity, or, as may be culturally required, known patterned out-marriages;</p>	<p>(i) Significant rates of marriage within the group, and/or, as may be culturally required, patterned out-marriages with other Indian populations.</p>

(ii) Social relationships connecting individual members;	(ii) Significant social relationships connecting individual members.
(iii) Rates or patterns of informal social interaction that exist broadly among the members of the entity;	(iii) Significant rates of informal social interaction which exist broadly among the members of a group.
(iv) Shared or cooperative labor or other economic activity among members;	(iv) A significant degree of shared or cooperative labor or other economic activity among the membership.
(v) Strong patterns of discrimination or other social distinctions by non-members;	(v) Evidence of strong patterns of discrimination or other social distinctions by nonmembers.
(vi) Shared sacred or secular ritual activity;	(vi) Shared sacred or secular ritual activity encompassing most of the group.
(vii) Cultural patterns shared among a portion of the entity that are different from those of the non-Indian populations with whom it interacts. These patterns must function as more than a symbolic identification of the group as Indian. They may include, but are not limited to, language, kinship organization or system, religious beliefs or practices, and ceremonies;	(vii) Cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts. These patterns must function as more than a symbolic identification of the group as Indian. They may include, but are not limited to, language, kinship organization, or religious beliefs and practices.
(viii) The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name;	(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.
(ix) Land set aside by a State for the petitioner, or collective ancestors of the petitioner, that was actively used by the community for that time period;	
(x) Children of members from a geographic area were placed in Indian boarding schools or other Indian educational institutions, to the	

extent that supporting evidence documents the community claimed; or	
(xi) A demonstration of political influence under the criterion in § 83.11(c)(1) will be evidence for demonstrating distinct community for that same time period.	(ix) A demonstration of historical political influence under the criterion in paragraph (3) shall be evidence for demonstrating historical community.
(2) The petitioner will be considered to have provided more than sufficient evidence to demonstrate distinct community and political authority under § 83.11(c) at a given point in time if the evidence demonstrates any one of the following:	(B) A petitioner shall be considered to have provided sufficient evidence of community at a given point in time if evidence is provided to demonstrate any one of the following:
(i) More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the entity, and the balance of the entity maintains consistent interaction with some members residing in that area;	(i) More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community.
(ii) At least 50 percent of the members of the entity were married to other members of the entity;	(ii) At least 50 percent of the marriages in the group are between members of the group.
(iii) At least 50 percent of the entity members maintain distinct cultural patterns such as, but not limited to, language, kinship system, religious beliefs and practices, or ceremonies;	(iii) At least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to, language, kinship organization, or religious beliefs and practices.
(iv) There are distinct community social institutions encompassing at least 50 percent of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations; or	(iv) There are distinct community social institutions encompassing most of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations.
(v) The petitioner has met the criterion in § 83.11(c) using evidence described in § 83.11(c)(2).	(v) The group has met the criterion in paragraph (3) using evidence described in paragraph (3)(B).

<p>(c) Political Influence or Authority. The petitioner has maintained political influence or authority over its members as an autonomous entity from 1900 until the present. Political influence or authority means the entity uses a council, leadership, internal process, or other mechanism as a means of influencing or controlling the behavior of its members in significant respects, making decisions for the entity which substantially affect its members, and/or representing the entity in dealing with outsiders in matters of consequence. This process is to be understood flexibly in the context of the history, culture, and social organization of the entity.</p>	<p>3) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.</p>
<p>(1) The petitioner may demonstrate that it meets this criterion by some combination of two or more of the following forms of evidence or by other evidence that the petitioner had political influence or authority over its members as an autonomous entity:</p>	<p>(A) This criterion may be demonstrated by some combination of the evidence listed below and/or by other evidence that the petitioner meets the definition of political influence or authority:</p>
<p>(i) The entity is able to mobilize significant numbers of members and significant resources from its members for entity purposes.</p>	<p>(i) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.</p>
<p>(ii) Many of the membership consider issues acted upon or actions taken by entity leaders or governing bodies to be of importance.</p>	<p>(ii) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.</p>
<p>(iii) There is widespread knowledge, communication, or involvement in political processes by many of the entity's members.</p>	<p>(iii) There is widespread knowledge, communication and involvement in political processes by most of the group's members.</p>
<p>(iv) The entity meets the criterion in § 83.11(b) at greater than or equal to the percentages set forth under § 83.11(b)(2).</p>	<p>(iv) The group meets the criterion in paragraph (2) at more than a minimal level.</p>
<p>(v) There are internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions.</p>	<p>(v) There are internal conflicts which show controversy over valued group goals, properties, policies, processes and/or decisions.</p>

<p>(vi) The government of a federally recognized Indian tribe has a significant relationship with the leaders or the governing body of the petitioner</p>	
<p>(vii) Land set aside by a State for petitioner, or collective ancestors of the petitioner, that is actively used for that time period.</p>	
<p>(viii) There is a continuous line of entity leaders and a means of selection or acquiescence by a significant number of the entity's members.</p>	
<p>(2) The petitioner will be considered to have provided sufficient evidence of political influence or authority at a given point in time if the evidence demonstrates any one of the following:</p>	<p>(B) A petitioning group shall be considered to have provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders and/or other mechanisms exist or existed which--</p>
<p>(i) Entity leaders or other internal mechanisms exist or existed that:</p>	
<p>(A) Allocate entity resources such as land, residence rights, and the like on a consistent basis;</p>	<p>(i) allocate group resources such as land, residence rights and the like on a consistent basis;</p>
<p>(B) Settle disputes between members or subgroups by mediation or other means on a regular basis;</p>	<p>(ii) settle disputes between members or subgroups by mediation or other means on a regular basis;</p>
<p>(C) Exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms or the enforcement of sanctions to direct or control behavior; or</p>	<p>(iii) exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior; and</p>

<p>(D) Organize or influence economic subsistence activities among the members, including shared or cooperative labor.</p>	<p>(iv) organize or influence economic subsistence activities among the members, including shared or cooperative labor.</p>
<p>(ii) The petitioner has met the requirements in § 83.11(b)(2) at a given time.</p>	<p>(C) A group that has met the requirements in paragraph (2)(B) at a given point in time shall be considered to have provided sufficient evidence to meet this criterion at that point in time.</p>
<p>(d) Governing Document. The petitioner must provide:</p> <p>(1) A copy of the entity’s present governing document, including its membership criteria; or</p> <p>(2) In the absence of a governing document, a written statement describing in full its membership criteria and current governing procedures.</p>	<p>(4) A copy of the group's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.</p>
<p>(e) Descent. The petitioner’s membership consists of individuals who descend from a historical Indian tribe (or from historical Indian tribes that combined and functioned as a single autonomous political entity).</p>	<p>(5) The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.</p>
	<p>(A) Some types of evidence that can be used for this purpose include the following:</p>
<p>(1) The petitioner satisfies this criterion by demonstrating that the petitioner’s members descend from a tribal roll directed by Congress or prepared by the Secretary on a descendancy basis for purposes of distributing claims money, providing allotments, providing a tribal census, or other purposes, unless significant countervailing evidence establishes that the tribal roll is substantively inaccurate; or</p>	<p>(i) Rolls prepared by the Secretary on a descendancy basis for purposes of distributing claims money, providing allotments, or other purposes.</p>

<p>(2) If no tribal roll was directed by Congress or prepared by the Secretary, the petitioner satisfies this criterion by demonstrating descent from a historical Indian tribe (or from historical Indian tribes that combined and functioned as a single autonomous political entity) with sufficient evidence including, but not limited to, one or a combination of the following identifying present members or ancestors of present members as being descendants of a historical Indian tribe (or of historical Indian tribes that combined and functioned as a single autonomous political entity):</p>	
<p>(i) Federal, State, or other official records or evidence;</p>	<p>(ii) State, Federal, or other official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.</p>
<p>(ii) Church, school, or other similar enrollment records;</p>	<p>(iii) Church, school, and other similar enrollment records identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.</p>
<p>(iii) Records created by historians and anthropologists in historical times;</p>	
<p>(iv) Affidavits of recognition by tribal elders, leaders, or the tribal governing body with personal knowledge; and</p>	<p>(iv) Affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.</p>

<p>(v) Other records or evidence.</p>	<p>(v) Other records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.</p>
	<p>(B) The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group. This list must include each member's full name (including maiden name), date of birth, and current residential address. The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria, as well as a statement describing the circumstances surrounding the preparation of the current list and, insofar as possible, the circumstances surrounding the preparation of former lists.</p>
<p>(f) Unique Membership. The petitioner's membership is composed principally of persons who are not members of any federally recognized Indian tribe. However, a petitioner may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, a federally recognized Indian tribe, if the petitioner demonstrates that:</p> <p>(1) It has functioned as a separate politically autonomous community by satisfying criteria (b) and (c); and</p> <p>(2) Its members have provided written confirmation of their membership in the petitioner.</p>	<p>(6) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe. However, under certain conditions a petitioning group may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged Indian tribe. The conditions are that the group must establish that it has functioned throughout history until the present as a separate and autonomous Indian tribal entity, that its members do not maintain a bilateral political relationship with the acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.</p>

<p>(g) Congressional Termination. Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. The Department must determine whether the petitioner meets this criterion, and the petitioner is not required to submit evidence to meet it.</p>	<p>(7) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.</p>
<p>§ 83.12 What are the criteria for a previously federally acknowledged petitioner?</p>	<p>SEC. 8. PREVIOUS FEDERAL ACKNOWLEDGMENT.</p>
<p>(a) The petitioner may prove it was previously acknowledged as a federally recognized Indian tribe, or is a portion that evolved out of a previously federally recognized Indian tribe, by providing substantial evidence of unambiguous Federal acknowledgment, meaning that the United States Government recognized the petitioner as an Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians with which the United States carried on a relationship at some prior date including, but not limited to, evidence that the petitioner had:</p>	<p>(a) In General- Unambiguous previous Federal acknowledgment shall be acceptable evidence of the tribal character of a petitioner to the date of the last such previous acknowledgment. If a petitioner provides substantial evidence of unambiguous Federal acknowledgment, the petitioner shall only be required to demonstrate that it meets the requirements of section 7 to the extent required by this section. A determination of the adequacy of the evidence of previous Federal action acknowledging tribal status shall be made during the technical assistance review of the documented petition conducted pursuant to section 10(b).</p>
	<p>(b) Evidence- Evidence to demonstrate previous Federal acknowledgment includes evidence that the group--</p>
<p>(1) Treaty relations with the United States;</p>	<p>(1) has had treaty relations with the United States;</p>
<p>(2) Been denominated a tribe by act of Congress or Executive Order;</p>	<p>(2) has been denominated a tribe by an Act of Congress or Executive order; and</p>
<p>(3) Been treated by the Federal Government as having collective rights in tribal lands or funds; or</p>	<p>(3) has been treated by the Federal Government as having collective rights in tribal lands or funds.</p>

<p>(4) Land held for it or its collective ancestors by the United States.</p>	
<p>(b) Once the petitioner establishes that it was previously acknowledged, it must demonstrate that it meets:</p>	
<p>(1) At present, the Community Criterion; and</p>	
<p>(2) Since the time of previous Federal acknowledgment or 1900, whichever is later, the Indian Entity Identification Criterion and Political Authority Criterion.</p>	