United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 24 2011

The Honorable Doc Hastings
Chairman
Committee on Natural Resources
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed are responses prepared by the Bureau of Indian Affairs to the questions for the record submitted following the Tuesday, July 12, 2011, hearing on: **H.R. 1234,** to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; and **H.R. 1291,** to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes, and for other purposes.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Edward J. Markey, Ranking Member
Committee on Natural Resources

Questions for the Record
July 12, 2011

Questions from Chairman Hastings

1. **Has the Department determined which tribes, on the latest list of recognized tribes annually published in the Federal Register (pursuant to the Federally Recognized Indian Tribe List Act of 1994), were not under federal jurisdiction on June 18, 1934?**

   Response: The Department has not determined which tribes on the list of recognized tribes published in the Federal Register may not have been under federal jurisdiction on June 18, 1934. Whether a tribe was under federal jurisdiction on that date requires a fact-intensive analysis of the history of interactions between that tribe and the United States. This analysis ordinarily requires the Department to examine (1) whether there was an action or series of actions before 1934 that established or reflected federal obligations, duties, or authority over the tribe, and (2) whether the tribe's jurisdictional status remained intact in 1934.

   The Department has consistently stated on numerous occasions, including in testimony submitted to the House Committee on Natural Resources in 2009 and 2011, that it will review tribal fee-to-trust applications on a case-by-case basis to determine whether those tribes were under federal jurisdiction on June 18, 1934.

   The Department believes that a blanket determination as to which tribes may not have been under federal jurisdiction on June 18, 1934 would not only be extraordinarily resource intensive but would also be inappropriate and could unfairly prejudice tribes in future fee-to-trust applications. The Department will undertake these fact-intensive analyses as tribes present fee-to-trust applications for consideration to ensure that each tribe receives a fair and thorough review on this issue.

2. **If so, what criteria were used to make such a determination that a tribe was not under federal jurisdiction on June 18, 1934? Within your Department, who has made the determination as to which tribes were not under federal jurisdiction on June 18, 1934?**

   Response: As indicated above, the Department has not issued a blanket determination as to which tribes were not under federal jurisdiction on June 18, 1934.

   Under the authority delegated to the Assistant Secretary – Indian Affairs, the Bureau of Indian Affairs (BIA) makes the determination as to whether to acquire land in trust on behalf of an applicant tribe in most instances. BIA staff work closely with the Solicitor of the Department of the Interior to ensure that all legal criteria are satisfied prior to the approval of a fee-to-trust acquisition. The Solicitor of the Department of the Interior works closely with the Assistant Secretary's office to undertake the analysis, which involves mixed questions of law and fact, as to whether an applicant tribe was under federal jurisdiction on June 18, 1934 and provides legal counsel to the Assistant Secretary – Indian Affairs and the BIA staff.

The Assistant Secretary set forth the factors used to undertake this analysis in his December 22, 2010 decision to acquire land in trust on behalf of the Cowlitz Indian Tribe in Washington. We have included a copy of that decision for your information.

3. **If an actual determination has not been made, has the Department prepared a list of possible tribes that may not have been under federal jurisdiction on June 18, 1934?**

Response: No. In the Department's view, it would be extremely costly, time-consuming and inappropriate to prepare such a list, because it requires fact-intensive analysis and could prejudice a number of tribes before we have had the opportunity to examine their particular applications on an individual basis. The determination of whether a particular tribe was "under federal jurisdiction" on June 18, 1934 will require a close examination of the facts unique to that tribe pursuant to the approach described in the response to the first question and explained in more detail in the December 22, 2010 decision provided in response to the second question.

4. **Has any determination been made with respect to which tribes were under federal jurisdiction on June 18, 1934?**

Response: Some determinations have been made. Pursuant to our analysis of the relationship between the United States and particular tribes (see responses to questions 1 and 2), the Assistant Secretary – Indian Affairs has determined that several tribes were under federal jurisdiction in 1934 and approved trust acquisitions for those tribes. These include the December 22, 2010 approval for the Cowlitz Tribe of Indians fee-to-trust application in Washington. They also include approved acquisitions for the Stillaguamish Tribe in Washington and the Grand Traverse Band of Ottawa and Chippewa Indians in Michigan in 2011. Those tribes were expressly mentioned by Justice Breyer in his concurring opinion in *Carcieri v. Salazar* as examples of tribes that were not recognized on June 18, 1934, but nevertheless may have been under federal jurisdiction at that time.

5. **Has the Department shared any list described in the previous questions with any Committee of Congress, or other persons or organizations outside of the Department? Would the Department provide the list, or lists, to this Committee for review?**

Response: The Department has not shared any list of tribes that either may or may not have been "under federal jurisdiction" on June 18, 1934. On December 15, 2010, the Department provided a list of tribes that were *federally acknowledged* after 1934 to a Senator (copy attached). This list was based largely on a published report of the General Accountability Office (GAO) in November of 2001, and providing it to the Senator does not reflect the Department's views on whether any of the listed tribes were "under Federal jurisdiction" on June 18, 1934. The Department's letter to the Senator also specifically stated that the GAO list has not been reviewed by tribal governments to assure its consistency with each tribe's historical records.

As to a list of tribes that possibly may not have been "under federal jurisdiction" on June 18, 1934, the Department has stated that developing such a list would be extremely costly, time-consuming, and inappropriate. Such an undertaking would require intensive research into the historical and legal histories of hundreds of tribes and ultimately would be prejudicial to tribes without their particular input into the historical and legal record before the Department. Nor is this analysis a straightforward one, since, as noted by Justice Breyer in his concurring opinion in *Carcieri v. Salazar*, 129 S. Ct. 1058, 1069 (2009), ". . . a tribe may have been 'under Federal jurisdiction' in 1934 even though the Federal Government did not believe so at the time."

These concerns and considerations warrant against the Department developing any additional lists relative to the *Carcieri* decision.

6. **Has the Department assessed how many parcels and/or acres of land the Secretary of the Interior acquired in trust pursuant to Section 5 of the Indian Reorganization Act (as amended) for tribes not under, or possibly not under, federal jurisdiction on June 18, 1934? If so, how many such acres in total were placed in trust prior to the *Carcieri* decision?**

Response: The Department has not conducted or undertaken a blanket review of which tribes may not have been under federal jurisdiction on June 18, 1934, and therefore has not assessed how many acres of land it has acquired in trust for tribes that were not or may not be under federal jurisdiction on June 18, 1934.

Such a wholesale review would require the Department to determine which tribes were under federal jurisdiction on June 18, 1934. As explained above, such an analysis is necessarily tribe-specific and fact-intensive. A wholesale review would require considerable time and effort to collect and analyze relevant historical information. This review would also require us to examine every previous trust acquisition for any such tribe to determine whether it was made pursuant to the Indian Reorganization Act, or a separate congressional enactment. Congress has enacted numerous other statutes authorizing or mandating that the Department acquire land in trust for a particular tribe or tribes.

A review of this nature would impose extraordinary administrative burdens on the Department, diverting staff, time, and money from executing our trust responsibility to reexamine nearly every trust acquisition made on behalf of tribal nations since 1934.

7. **If the Department has compiled an analysis of affected acreage, has it assessed the current use of such lands (i.e., housing, schools, health clinics, government facilities, economic development or business enterprises, gaming, agricultural or forestry)? If so, would the Department provide a compilation to the Committee for review?**

Response: Because the Department has not conducted a blanket review of which tribes may not have been under federal jurisdiction on June 18, 1934, and determined which trust parcels were acquired under the Indian Reorganization on behalf of any such tribes,

the Department cannot provide such a compilation to the Committee for review at this time.

8. **During the hearing, the Deputy Assistant Secretary estimated there have been around 450 fee-to-trust "transactions" since the Supreme Court's *Carcieri* holding was made in February 2009. Were these transactions approvals of fee-to-trust applications? Were they for the benefit of tribes or individuals? Which tribes? Approximately how many acres of land were placed in trust and what are the purposes of the trust lands for?**

Response: Since the beginning of 2009, the Department has approved more than 541 fee-to-trust acquisitions – meaning instances in which the Department has accepted trust title to land – for tribes and individual Indians in 23 states in 11 of the 12 BIA regions (excluding the BIA's Alaska Region). These transactions encompass more than 120,000 acres. The purposes for these acquisitions vary broadly, from housing and agricultural use to business development and Indian gaming.

9. **Please describe the process used by the Department for undertaking the fee-to-trust transactions identified in question 7. In the case of a tribal trust transaction, who makes the legal determination that the beneficiary tribe was recognized and under federal jurisdiction on June 18, 1934, and how is such a determination made?**

Response: Pursuant to the authority delegated to the Assistant Secretary – Indian Affairs, the Bureau of Indian Affairs (BIA) makes the determination to acquire land in trust on behalf of Indian tribes. The Department's regulations require applicant tribes to cite the statutory authority for the proposed trust acquisition. Where tribes apply for the acquisition of land in trust under the Indian Reorganization Act, BIA staff consults with the Solicitor of the Department of the Interior to analyze whether the tribe was under federal jurisdiction on June 18, 1934. The Solicitor of the Department of the Interior provides legal counsel to the BIA on this particular issue, and issues a recommendation as to whether the applicant tribe satisfies the case-by-case analysis for a trust acquisition, as set forth in more detail in the response to questions 1 and 2.

10. **In the hearing, several witnesses acknowledged there is an absence of standards or policy guidance for taking land in trust under Section 5 of the IRA. Does the Department support establishing standards in this 1934 Act through legislation?**

Response: As indicated in the Deputy Assistant Secretary's testimony before the Subcommittee, the Department supports legislation to address the *Carcieri* decision by codifying the Department's pre-Carcieri common understanding of the Secretary's authority that existed for the 75 years preceding the *Carcieri* decision.

The Department believes that its regulations governing the fee-to-trust process adequately guide reasoned decision-making in this area, and that legislative amendments to impose additional standards on the process are unnecessary. The Department's regulations provide several opportunities for meaningful input by affected state and local governments, as well as members of local communities. State and local governments are

given a 30 day period to submit written comments concerning jurisdictional problems and potential regulatory conflicts as well as tax impacts that may result from the land acquisition. In addition, during the review process under the National Environmental Policy Act, state and local governments, and the general public, may submit comments related to environmental impacts. These comments may encompass a variety of issues such as social and economic impacts, law enforcement concerns, social services, and environmental concerns.

Finally, those regulations require the Department to apply more scrutiny to tribal fee-to-trust applications for land that is outside a tribe's existing reservation; that scrutiny increases as the distance between the tribe's reservation and the site of the proposed acquisition increases.

Questions from Mrs. Herrerra-Butler

1. **In *Carcieri v. Salazar* the U.S. Supreme Court stated that the federal government cannot take land into trust for tribes that were recognized after 1934. The Cowlitz Tribe was recognized in 2000. What justification, if any, does the Bureau of Indian Affairs (Bureau) have for ignoring this ruling and allowing the Cowlitz Tribe to purchase this land?**

Response: The Indian Reorganization Act authorizes the Secretary to acquire land in trust for "Indians," which includes "any recognized Indian tribe now under Federal jurisdiction." 25 U.S.C. §§ 465, 479. In *Carcieri*, the Court determined that the term "now," as used in that statute, referred to the date of enactment of the Indian Reorganization Act – June 18, 1934; and, that the Secretary could only acquire land in trust for those tribes "under Federal jurisdiction" on that date. See *Carcieri*, 129 S. Ct. 1058, 1061 (2009).

Neither the Indian Reorganization Act nor the *Carcieri* decision limits the Secretary's trust acquisition authority to those tribes that were federally recognized in 1934. Rather, the Indian Reorganization Act requires: 1) that the tribe for which land is being acquired in trust is federally-recognized; and, 2) that the tribe was "under Federal jurisdiction" on June 18, 1934.

As Justice Breyer noted in a concurring opinion in *Carcieri*, "The [Indian Reorganization Act], after all, imposes no time limit upon recognition." *Id.* at 1070. Justice Breyer also stated, "a tribe may have been 'under Federal jurisdiction' in 1934, even though the Federal Government did not believe so at the time." *Id.* at 1069.

In acquiring land in trust on behalf of the Cowlitz Tribe, the Bureau did not ignore the *Carcieri* ruling. Rather, the Bureau undertook a rigorous analysis and determined that the Cowlitz Tribe satisfied the legal requirements of the Indian Reorganization Act because it is federally recognized, and was "under Federal jurisdiction" in 1934. The Department is presently in litigation concerning numerous aspects of the 2010 decision to acquire land on behalf of the Cowlitz Tribe, and cannot comment further on the decision to acquire land in trust of behalf of the Tribe.

2. **The Bureau's decision was objected to by the City of La Center, the City of Vancouver, and Clark County, Washington. This is a highly controversial proposal, in no small part because questions have been raised as to the Tribe's historical connection to Clark County. I would like to understand if the Bureau is allowing a Tribe to acquire land outside of its historical lands, and if so, under what authority?**

   Response: The Department is presently in litigation concerning numerous aspects of the 2010 decision to acquire land on behalf of the Cowlitz Tribe, and cannot comment on the decision to acquire land in trust on behalf of the Cowlitz Tribe. Nevertheless, the Department believes that both the acquisition and proposed use of the land complies with all applicable laws.

   We note, however, that the decision to acquire land in trust requires a separate analysis from determining whether such lands would be eligible for gaming under the Indian Gaming Regulatory Act (IGRA). The Indian Reorganization Act does not limit the Secretary's authority to acquire land in trust to those areas where a tribe demonstrates that the land is part of its "historical lands." Such a requirement would complicate the exercise of the Secretary's trust acquisition authority, and potentially establish separate classes of tribes subject to disparate treatment by the Department, because a number of tribes were forcibly removed from their "historical lands" at various points in history.

   However, parts of the Department's regulations implementing IGRA do require us to examine the extent to which a tribe has a "significant historical connection" to lands in determining whether those lands are eligible for Indian gaming. This factor applies to both the "restored lands exception" and the "initial reservation exception" to IGRA's general prohibition against gaming on new lands acquired in trust after October 17, 1988.

3. **On May 14, 2008, Clark County took action that resulted in the land surrounding the potential gaming site to be zoned for agricultural purposes. Construction on this land will cause significant, unmitigated land use impacts. Why are state and local land use laws being ignored to allow the construction of a Casino by a tribe that has questionable historical connections to the land?**

   Response: The Department's regulations implementing the fee-to-trust process require the Bureau to consider a number of factors in determining whether to acquire land in trust, including "potential conflicts of land use which may arise." 25 C.F.R. § 151.10(f). While we cannot comment on the acquisition on behalf of the Cowlitz Tribe at this time, the Department conducted a thorough analysis of the Cowlitz Tribe's application and determined that it complied with all legal and regulatory requirements.

4. **Concerns have been raised that this decision was inappropriately influenced from the start of the process. It is my understanding that the Tribe paid for the government's environmental and economic study and was highly engaged in the drafting and editing of the study. Further, when it appeared that the Bureau would have problems justifying the acquisition under the Tribe's original "restored lands" theory, the Department switched legal theories at the last minute to the "initial**

reservation" theory. Are my understandings accurate, and if so, please provide a justification for these actions.

Response: Again, the Department is presently defending against litigation regarding the 2010 decision to acquire land in trust for the Cowlitz Tribe and cannot comment on the decision at this time. Nevertheless, the Department believes that the acquisition, the environmental review, and the proposed use of the land comply with all applicable laws.

Questions from Mr. Lujan

1. **I want to point the need for a *Carcieri* fix and to quell some of the mistruths out there about the proposed legislation offered to provide the Secretary of the Interior the ability to take land into trust for Native American Tribes.**

   Some who oppose this fix have tried to tie the legislation offered by Congressmen Cole and Kildee, which would give the Secretary of the Interior a clear authority to take land into trust, with Indian gaming and federal recognition. Mr. Laverdure, could you please tell us what laws govern both Indian gaming and federal recognition, and whether the Department believes that there is any connection between these issues? And why is it important for the Secretary of the Interior to have the ability to take land into trust?

   Response: There are currently more than 1,300 fee-to-trust applications pending before the Department. Of that number, only 22 applications are for gaming purposes. An overwhelming majority of the pending fee-to-trust applications before the Department are for agricultural, cultural, and residential purposes.

   Indian gaming is governed by the Indian Gaming Regulatory Act (IGRA). IGRA does not authorize the Secretary to acquire land in trust, but rather governs whether and how gaming may be conducted on Indian lands. Moreover, IGRA generally prohibits tribes from conducting gaming on lands acquired in trust after October 17, 1988, subject to several exceptions.

   With respect to laws governing federal recognition, the Department has continually pointed to the following statutes as congressional recognition of its authority to acknowledge Indian tribes:

   - 25 U.S.C. § 2: The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations.

   - 25 U.S.C. § 9: The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs.

- 43 U.S.C. § 1457: The Secretary of the Interior is charged with the supervision of public business relating to the following subjects and agencies:...Indians.

As a general matter, the Secretary's authority to acknowledge the nation-to-nation relationship between the United States and Indian tribes is wholly separate from the authority to acquire land in trust on behalf of Indian tribes. Acknowledgment of this relationship does not ensure that the Department can or will acquire land in trust on behalf of a tribe; however, the federal government only acquires land in trust for tribes that are federally recognized.

The authority to acquire land in trust on behalf of Indian tribes is one of the most essential tools available to the Department in carrying out its nation-to-nation relationship with Indian tribes. This authority is used to facilitate the restoration of tribal homelands, so that Tribes may provide for the health, welfare, and cultural preservation for their citizens. Tribal trust lands are used for a number of purposes, including housing, education, health care, economic development, and cultural activities. Gaming is only a small subset of a broad range of activities that can occur on trust lands.

2. **Mr. Laverdure, one of the primary goals of the Indian Reorganization Act (or the IRA) was to revise the failed federal policy of Allotment, under which Indian tribes lost or had taken more than 100 million acres of tribal homelands. The Interior Department processed tribal "land into trust" applications under the IRA for 75 years prior to the *Carcieri* decision by the Supreme Court. Can you please tell us how much land was restored to tribal control? In the Department's opinion, do you believe that the goals of the IRA have been met, and if the law is no longer necessary?**

Response: The information is not clear in 1934 on the number of acres held in trust by the federal government for Indian tribes, but the Department estimates a net gain of 4 to 7 million acres of land held in trust for Indian tribes and individual Indians, since the enactment of the IRA. In addition to halting the failed policy of Allotment, the Indian Reorganization Act was also intended to allow the Secretary to assist tribes in securing a homeland on which they could engage in economic development and self-determination.

The Department is still working to address the problems caused by Allotment-era policies, and to carry out the intent of Congress by restoring tribal homelands. The trust-acquisition authority contained in the IRA continues to be critical to securing homelands for Indian tribes on which they can provide for the health, welfare, and cultural preservation of their citizens.

3. **Some witnesses here today will testify that there is no need to reform the existing land into trust process because state and local units of government do not have a voice in the process? Can you please explain the role and to what extent, that state and local governments play in the in the tribal land into trust process under the Interior Department's 25 C.F.R. 151 regulations?**

Response: The Department's regulations, at 25 C.F.R. §§ 151.10 and 151.11 provide several opportunities for state and local units of government to weigh-in on a fee-to-trust application. Those regulations include a 30-day period in which state and local units of government can submit written comments concerning jurisdictional issues, potential regulatory conflicts, and impacts on property taxes that may result from the acquisition of land in trust.

In addition, state and local governments, as well as the general public, may submit comments related to environmental impacts in the review process under the National Environmental Policy Act (NEPA). These comments may encompass a variety of issues such as social and economic impacts, law enforcement concerns, social services, and environmental concerns. Under NEPA, many local governments serve as "cooperating agencies," and thus participate very closely in the Department's NEPA review process.

Finally, if the Department decides to acquire land in trust, it must publish at least 30-days notice of this decision pursuant to 25 C.F.R. § 151.12(b) prior to acquiring trust title to the land. The 30-day notice period provides an opportunity for interested parties, including state and local units of government, to initiate a legal challenge to the proposed trust acquisition.

Questions from Mrs. Hanabusa

1. **In your testimony before the Committee you reference the Department's regulation 25 C.F.R. § 151.1 which provides, "[t]hese regulations do not cover the acquisition of land in trust status in the State of Alaska, except acquisitions for the Metlakatla Indian Community of the Annette Island Reserve or its members."**

   It is my belief that we do have a group of tribes in Alaska, either the 230 plus tribes that you referenced in your testimony or the Metlakatla tribe that is specifically mentioned in the Department's regulations, that need additional clarification on their status as a tribe. Thus, why then is H.R. 1291 not a cleaner legislative fix to the Supreme Court's *Carcieri* decision?

   Response: The Department supports clean legislation that codifies the Department's pre-Carcieri common understanding of the Secretary's trust acquisition authority that existed for 75 years before the *Carcieri* decision. The Department believes that language expressly prohibiting the Secretary from acquiring land in trust for Alaska Native Villages is unnecessary, and has the potential to establish two classes of tribes, entitled to different rights, under federal law. This runs counter to the congressional policy expressed in the 1994 amendments to the IRA.

   The Department's regulations do not cover the trust acquisition of lands in Alaska, and the Department has no imminent plans to amend its fee-to-trust regulations. There is no present need to clarify the status of Indian tribes in Alaska, and an effort to do so could complicate the relationship between the United States and tribal nations by codifying separate classes of Indian tribes in the IRA.

Miccosukee Tribe of Indians of Florida	DOI	1961.11.17
Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon	DOI	1967.11.16
Nooksack Indian Tribe of Washington	DOI	1971.08.13
Upper Skagit Indian Tribe of Washington	DOI	1972.06.09
Sauk-Suiattle Indian Tribe of Washington	DOI	1972.06.09
Passamaquoddy Tribe of Maine	DOI	1972.06.29
Penobscot Tribe of Maine	DOI	1972.07.14
Sault Ste. Marie Tribe of Chippewa Indians of Michigan	DOI	1972.09.07
Tonto Apache Tribe of Arizona	Congress (P.L. 92-470)	1972.10.06
Coushatta Tribe of Louisiana	DOI	1973.06.27
Stillaguamish Tribe of Washington	DOI	1976.10.27
Modoc Tribe of Oklahoma	Congress (P.L. 95-281)	1978.05.15
Pasqua Yaqui Tribe of Arizona	Congress (P.L. 95-375)	1978.09.18
Karuk Tribe of California	DOI	1979.01.15
Grand Traverse Band of Ottawa & Chippewa Indians of Michigan	DOI/25 CFR Part 83	1980.05.27
Houlton Band of Maliseet Indians of Maine	Congress (P.L. 96-420)	1980.10.10
Jamestown S'Klallam Tribe of Washington	DOI/25 CFR Part 83	1981.02.10
Jamul Indian Village of California	DOI	1981.07.07
Tunica-Biloxi Indian Tribe of Louisiana	DOI/25 CFR Part 83	1981.09.25
Cow Creek Band of Umpqua Indians of Oregon	Congress (P.L. 97-391)	1982.12.29
Death Valley Timbi-sha Shoshone Band of California	DOI/25 CFR Part 83	1983.01.03
Kickapoo Traditional Tribe of Texas	Congress (P.L. 97-429)	1983.01.08
Narragansett Indian Tribe of Rhode Island	DOI/25 CFR Part 83	1983.04.11
Mashantucket Pequot Tribe of Connecticut	Congress (P.L. 98-134)	1983.10.18
Poarch Band of Creek Indians of Alabama	DOI/25 CFR Part 83	1984.08.10
Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts	DOI/25 CFR Part 83	1987.04.11
Ysleta Del Sur Pueblo of Texas	Congress (P.L. 100-89)	1987.08.18
Lac Vieux Desert Band of Lake Superior Chippewa Indians of MI	Congress (P.L. 100-420)	1988.09.08
Coquille Tribe of Oregon	Congress (P.L. 101-42)	1989.06.28
San Juan Southern Paiute Tribe of Arizona	DOI/25 CFR Part 83	1990.03.28
Aroostook Band of Micmac Indians of Maine	Congress (P.L. 102-171)	1991.11.26
Ione Band of Miwok Indians of California	DOI	1994.03.22
Mohegan Indian Tribe of Connecticut	DOI/25 CFR Part 83	1994.05.14
Pokagon Band of Potawatomi Indians of Michigan	Congress (P.L. 103-323)	1994.09.21
Little River Band of Ottawa Indians of Michigan	Congress (P.L. 103-324)	1994.09.21
Little Traverse Bay Bands of Odawa Indians of Michigan	Congress (P.L. 103-324)	1994.09.21
Central Council of the Tlingit & Haida Indian Tribes, Alaska	Congress (P.L. 103-454)	1994.11.02
Jena Band of Choctaw Indians, Louisiana	DOI/25 CFR Part 83	1995.08.29
Huron Potawatomi, Inc., Michigan	DOI/25 CFR Part 83	1996.03.17
Samish Indian Tribe, Washington	DOI/25 CFR Part 83	1996.04.26
Delaware Tribe of Indians, Oklahoma	DOI	1996.09.23
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of MI	DOI/25 CFR Part 83	1999.08.23
Snoqualmie Tribe, Washington	DOI/25 CFR Part 83	1999.10.06
Loyal Shawnee Tribe, Oklahoma	Congress (P.L. 106-568)	2000.12.27
Graton Rancheria, California	Congress (P.L. 106-568);	2000.12.27
Lower Lake Rancheria, California	DOI	2000.12.29
King Salmon Tribe, Alaska	DOI	2000.12.29
Shoonaq' Tribe of Kodiak, Alaska	DOI	2000.12.29
Cowlitz Tribe of Indians, Washington	DOI/25 CFR Part 83	2002.01.04
Mashpee Wampanoag, Massachusetts	DOI/25 CFR Part 83	2007.02.15
Shinnecock Tribe	DOI/25 CFR Part 83	2010.10.01