

25 CFR § 83.3, Scope.

*152378

**CODE OF FEDERAL
REGULATIONS
TITLE 25--INDIANS
CHAPTER I--BUREAU OF
INDIAN AFFAIRS,
DEPARTMENT OF THE
INTERIOR
SUBCHAPTER F--TRIBAL
GOVERNMENT
PART 83--PROCEDURES
FOR ESTABLISHING THAT
AN AMERICAN INDIAN
GROUP EXISTS AS AN
INDIAN TRIBE**

*Current through April 6, 2006; 71 FR
17679*

§ 83.3 Scope.

(a) This part applies only to those American Indian groups indigenous to the continental United States which are not currently acknowledged as Indian tribes by the Department. It is intended to apply to groups that can establish a substantially continuous tribal existence and which have functioned as autonomous entities throughout history until the present.

(b) Indian tribes, organized bands, pueblos, Alaska Native villages, or communities which are already acknowledged as such and are receiving services from the Bureau of Indian Affairs may not be reviewed under the procedures established by these regulations.

(c) Associations, organizations, corporations or groups of any character that have been formed in recent times may not be acknowledged under these regulations. The fact that a group that meets the criteria in § 83.7 (a) through (g) has recently incorporated or otherwise formalized its existing autonomous political process will be

viewed as a change in form and have no bearing on the Assistant Secretary's final decision.

(d) Splinter groups, political factions, communities or groups of any character that separate from the main body of a currently acknowledged tribe may not be acknowledged under these regulations. However, groups that can establish clearly that they have functioned throughout history until the present as an autonomous tribal entity may be acknowledged under this part, even though they have been regarded by some as part of or have been associated in some manner with an acknowledged North American Indian tribe.

(e) Further, groups which are, or the members of which are, subject to congressional legislation terminating or forbidding the Federal relationship may not be acknowledged under this part.

(f) Finally, groups that previously petitioned and were denied Federal acknowledgment under these regulations or under previous regulations in part 83 of this title, may not be acknowledged under these regulations. This includes reorganized or reconstituted petitioners previously denied, or splinter groups, spin-offs, or component groups of any type that were once part of petitioners previously denied.

*152379 (g) Indian groups whose documented petitions are under active consideration at the effective date of these revised regulations may choose to complete their petitioning process either under these regulations or under the previous acknowledgment regulations in part 83 of this title. This choice must be made by April 26, 1994. This option shall apply to any petition for which a determination is not final and effective. Such petitioners may request a suspension of consideration under § 83.10(g) of not more than 180 days in order to provide additional information or argument.

<General Materials (GM) - References, Annotations, or Tables>

*Current through April 6, 2006; 71 FR
17679*

RECEIVED
Page 1
05/2006
ASIA-OFA

**UNITED STATES CODE
ANNOTATED
TITLE 25. INDIANS
CHAPTER 1--BUREAU OF
INDIAN AFFAIRS**

*Current through Pub.L. 109-169,
109-173 approved February 15, 2006*

§ 2. Duties of Commissioner

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.

CREDIT(S)

(R.S. § 463.)

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTES

HISTORICAL AND STATUTORY NOTES

Codifications

R.S. § 463 was from Acts July 9, 1832, c. 174, § 1, 4 Stat. 564; July 27, 1868, c. 259, § 1, 15 Stat. 228.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

All supervisory and appellate powers and duties in regard to Indian affairs theretofore vested in the Secretary of the Treasury were thereafter to be exercised and performed by the Secretary of the Interior under the provisions of § 1 of Act July 27, 1868, c. 259, 15 Stat. 228.

Appointment by the President of a Commissioner of Indian Affairs to act under the direction of the Secretary of

REFERENCES

CODE OF FEDERAL REGULATIONS

- Appeals from administrative actions, see 25 CFR § 2.1 et seq.
- Attorney contracts with Five Civilized Tribes, see 25 CFR §§ 89.30 to 89.35.
- Business practices on Navajo, Hopi, and Zuni Reservations, see 25 CFR § 141.1 et seq.
- Code of offenses for Navajo-Hopi Settlement Act secretarial responsibilities, see 25 CFR § 12.1 et seq.
- *226442 Commercial fishing on Red Lake Indian Reservation, see 25 CFR § 242.1 et seq.
- Enrollment,
 - Appeals, see 25 CFR § 62.1 et seq.
- General forest regulations, see 25 CFR § 163.1 et seq.
- General grazing regulations, see 25 CFR § 166.1 et seq.
- Indian fishing in Alaska, see 25 CFR § 241.1 et seq.
- Individual Indian money accounts, see 25 CFR § 115.1 et seq.
- Interim grazing regulations for Hopi partitioned lands area, see 25 CFR § 168.1 et seq.
- Leases and permits, see 25 CFR § 162.1 et seq.
- Making pictures, television productions, or sound tracks on certain areas under jurisdiction of Department of Interior, see 43 CFR §§ 5.1, 5.2.
- Management of tribal assets of Ute Indian Tribe, see 25 CFR § 217.1 et seq.
- Off-reservation treaty fishing, see 25 CFR § 249.1 et seq.
- Petitioning procedures for tribes reorganized under federal law and other organized tribes, see 25 CFR § 82.1 et seq.
- Preparation of rolls,
 - Indian tribes, see 25 CFR § 61.1 et seq.
- Procedures for determining that group constitutes Indian tribe, see 25 CFR § 83.1 et seq.
- Procedures governing appeals to Minerals Management Service, see 30 CFR § 290.1 et seq.
- Resale of lands within Badlands Air Force Gunnery Range (Pine Ridge Aerial Gunnery Range), see 25 CFR § 178.1 et seq.
- Rules applicable in Indian Affairs hearings and appeals, see 43 CFR §§ 4.200 to 4.340.
- Special deposits, see 25 CFR § 114.1 et seq.
- *226443 Use of Columbia River Indian in-lieu fishing sites, see 25 CFR § 248.1 et seq.

LIBRARY REFERENCES

- American Digest System
- Indians ↻4.
- Key Number System Topic No.209.

RECEIVED

*151262

**CODE OF FEDERAL
REGULATIONS
TITLE 25--INDIANS
CHAPTER I--BUREAU OF
INDIAN AFFAIRS,
DEPARTMENT OF THE
INTERIOR
SUBCHAPTER A--
PROCEDURES AND
PRACTICE
PART 1--APPLICABILITY
OF RULES OF THE BUREAU
OF INDIAN AFFAIRS**

*Current through April 6, 2006; 71 FR
17679*

**§ 1.2 Applicability of regulations and
reserved authority of the Secretary of
the Interior.**

The regulations in chapter I of title 25 of the Code of Federal Regulations are of general application. Notwithstanding any limitations contained in the regulations of this chapter, the Secretary retains the power to waive or make exceptions to his regulations as found in chapter I of title 25 of the CFR in all cases where permitted by law and the Secretary finds that such waiver or exception is in the best interest of the Indians.

<General Materials (GM) - References, Annotations, or Tables>

*Current through April 6, 2006; 71 FR
17679*