

Federal Statutory and Regulatory Definitions of “Indian”

*Aila Hoss**

I took Federal Indian Law in the fall of my 3L year of law school. It was a course that changed the trajectory of my career and my life. I remember vividly reading in my textbook, the 6th edition of Professor Getches and colleagues’ *Federal Indian Law* published by West, about how heavily federal law regulated the rights of Native people.¹ This included, I soon discovered, numerous definitions of “Indian.”²

Countless times throughout my practice and academic career, I’ve searched for a comprehensive list of federal statutory definitions of “Indian” to no avail. I believed such a list existed, but it was eluding me. I even took to Twitter and begged some of my colleagues for help.³ No luck. I found a law review article from 1991 that cited a 1978 congressional survey of all the definitions.⁴ I searched and searched for this 1978 survey. I even contacted the Library of Congress and the National Archives and Records Administration, who could not find a record of it.⁵ I recruited the help of my brilliant law librarian colleagues.⁶ Zilch.

* Aila Hoss, J.D. is an Associate Professor of Law at Indiana University Robert H. McKinney School of Law. She teaches and researches at the intersection of federal Indian law and health law. The author would like to thank Professor Dan Lewerenz for his feedback on this piece. The author thanks the editors of the *Iowa Law Review* and the *Iowa Law Review Online* for their excellent editorial assistance.

1. DAVID H. GETCHES, CHARLES F. WILKINSON, ROBERT A. WILLIAMS, JR. & MATTHEW L.M. FLETCHER, *CASES AND MATERIALS ON FEDERAL INDIAN LAW* 1 (6th ed. 2011).

2. *Id.* at 487–88.

3. Aila Hoss (@ailahoss), X (June 3, 2021, 2:09 PM), <https://x.com/ailahoss/status/1400515046225055745> [<https://perma.cc/3P8W-NL82>].

4. Sharon O’Brien, *Tribes and Indians: With Whom Does the United States Maintain a Relationship?*, 66 NOTRE DAME L. REV. 1461, 1481 (1991) (“According to a 1978 congressional survey, federal legislation contained thirty-three definitions of Indians.”).

5. E-mail from Aila Hoss, J.D., to Law Library of Congress (Aug. 7, 2021, 9:34 AM) (on file with the *Iowa Law Review*).

6. Professor Benjamin Keele, J.D., M.L.S., Associate Director, Ruth Lilly Law Library, Indiana University McKinney School of Law & Richard Todd, Metadata Management Librarian, Colorado State University (previously with the University of Tulsa College of Law Mabee Legal Information Center).

In the summer of 2022, I was working on an article on the impact of various definitions of “Indian” on public health surveillance, and I needed that list. I, begrudgingly, resolved to generate it myself. Numerous practitioners, scholars, advocates, and courts have described and critiqued the various definitions of Indian status under the law.⁷ Here, I humbly offer the results of my research to support the research, writing, and advocacy of others interested in this topic.

In December 2022, I conducted searches on WestlawNext for definitions of “Indian” under federal statutes and regulations.⁸ I reviewed several thousand provisions and, while I tended toward overinclusion, I inevitably excluded some relevant provisions. I found over eighty unique definitions of “Indian” under the statutory code, mostly defining Indian status by membership in a federally recognized Tribe⁹ (Appendix 1). The federal statutory and regulatory code definitions of “Alaska Native,” “Urban Indian,” and “Native American” are also provided in Appendices 2–4, respectively. My thoughts on the impact of these and other definitions can be found in my article, *Indigeneity, Data Genocide, and Public Health*, in the *Iowa Law Review*.¹⁰

Note on Appendices: Although similar in meaning, please note that there might be some technical differences between the language from the listed provisions and that of the definitions presented in the tables below. For example, many provisions define “Indian” as someone who is a member of a

7. Rose Cuison Villazor, *Blood Quantum Land Laws and the Race Versus Political Identity Dilemma*, 96 CAL. L. REV. 801, 804 n.14 (2008); Karl A. Funke, *Educational Assistance and Employment Preference: Who Is an Indian?*, 4 AM. INDIAN L. REV. 1, 1 (1976); United States v. Cruz, 554 F.3d 840, 845–49 (9th Cir. 2009); United States v. Szymiest, 581 F.3d 759, 762 (8th Cir. 2009); Carole Goldberg, *Members Only? Designing Citizenship Requirements for Indian Nations*, 50 U. KAN. L. REV. 437, 467 (2002).

8. The author conducted statutory searches on WestlawNext throughout December 2022 using the following search string: adv: SD(("Indians" or "Indian" or "Native American") and ("defined" or "definitions" or "means" or "refers to")). The author conducted regulatory searches on WestlawNext throughout December 2022 using the following search string: adv: SD(("Indians" or "Indian" or "Native American") /p ("defined" or "definitions" or "means" or "refers to")). Definitions that include American Indians as part of a broader category of “minority” were excluded: “The term ‘racial and ethnic minority group’ means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans; Native Hawaiians and other Pacific Islanders; Blacks; and Hispanics.” 42 U.S.C. § 3000-6(g)(1). This search string omitted provisions that define “Indian” outside of a clear definition section. *See, e.g.*, 50 C.F.R. § 22.60.

9. The definition of “Indian Tribe” under federal law offers another area that has received significant attention from the courts. *See, e.g.*, United States v. Sandoval, 231 U.S. 28, 46–48 (1913); Joint Council of the Passamaquoddy Tribe v. Morton, 528 F.2d 370, 377 (1st Cir. 1975); Yellen v. Confederated Tribes of the Chehalis Reservation, 594 U.S. 338, 365–66 (2021); 1 FELIX S. COHEN, COHEN’S HANDBOOK OF FEDERAL INDIAN LAW § 3.02 (Nell Jessup Newton & Kevin K. Washburn eds., 2024). Generally, federal law considers membership in a Tribe to mean membership in a federally recognized Tribe. *See, e.g.*, 25 U.S.C. § 4103(10), (13); 25 U.S.C. § 3703(8), (10); 25 U.S.C. § 5304(d), (e). However, this is not always the case and can, in turn, impact the definition of “Indian.” A survey of federal statutory and regulatory definitions of “Tribe” was outside the scope of this research.

10. Aila Hoss, *Indigeneity, Data Genocide, and Public Health*, 110 IOWA L. REV. 1139 (2025).

federally recognized Tribe: “‘Indian’ means a person who is a member of an Indian tribe.” But provisions might vary by using the phrase “an individual” instead of “a person.” Provisions differing from exact language provided are marked with an asterisk (*). Additionally, some provisions incorporate the listed definition by reference. Provisions incorporating the language provided by reference are marked with two asterisks (**).

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APPENDIX 1: FEDERAL STATUTORY AND REGULATORY DEFINITIONS OF INDIAN

Provision	Definition
7 U.S.C. § 2160(c)**	“Indian” means a person who is a member of an Indian tribe.
10 U.S.C. § 3902(e)(2)**	
15 U.S.C. § 9414(d)(4)**	
20 U.S.C. § 80q-14(7)*	
20 U.S.C. § 1059c(b)(1)**	
20 U.S.C. § 1401(12)	
20 U.S.C. § 2302(27)**	
20 U.S.C. § 2327(h)(1)**	
20 U.S.C. § 4402(4)*	
25 U.S.C. § 1685(b)(4)**	
25 U.S.C. § 1801(a)(1)	

25 U.S.C. § 3052(4)*	
25 U.S.C. § 3103(9)*	
25 U.S.C. § 3202(6)*	
25 U.S.C. § 3307(f)(2)**	
25 U.S.C. § 3322(3)**	
25 U.S.C. § 3402(3)**	
25 U.S.C. § 3703(8)*	
25 U.S.C. § 4103(10)*	
25 U.S.C. § 4302(3)**	
25 U.S.C. § 5304(d)**	
25 U.S.C. § 5702(3)*	
25 U.S.C. § 5802(5)**	
29 U.S.C. § 3197(e)(2)**	
29 U.S.C. § 3221(b)(2)**	
29 U.S.C. § 3226(b)(7)**	
34 U.S.C. § 12291(a)(18)*	
42 U.S.C. § 619(4)(A)**	
42 U.S.C. § 1996(b)(ii)*	
42 U.S.C. § 3002(26)	
42 U.S.C. § 18071(d)(1)**	
42 U.S.C. § 10402(5)**	
42 U.S.C. § 6862(6)	
43 U.S.C. § 2401(3)*	

7 C.F.R. § 254.2*	
7 C.F.R. § 253.6*	
20 C.F.R. § 688.120	
20 C.F.R. § 641.140	
20 C.F.R. § 672.110	
24 C.F.R. § 1000.10(a)*	
25 C.F.R. § 1187.2	
25 C.F.R. § 1000.2	
25 C.F.R. § 275.2(g)	
25 C.F.R. § 101.1	
25 C.F.R. § 163.1*	
25 C.F.R. § 32.2(m)*	
25 C.F.R. § 900.6	
25 C.F.R. § 273.106	
25 C.F.R. § 142.1*	
25 C.F.R. § 63.3*	
25 C.F.R. § 170.5*	
25 C.F.R. § 103.44*	
25 C.F.R. § 256.2*	
26 C.F.R. § 1.5000A-3*	
34 C.F.R. § 303.19(a)*	
34 C.F.R. § 300.21(a)*	
36 C.F.R. § 51.83(c)(5)*	

<p>42 C.F.R. § 137.10</p> <p>42 C.F.R. § 136.102(b)</p> <p>42 C.F.R. § 600.5**</p> <p>43 C.F.R. § 404.2</p> <p>44 C.F.R. § 295.50*</p> <p>44 C.F.R. § 296.4*</p> <p>45 C.F.R. § 286.5**</p> <p>45 C.F.R. § 260.30**</p> <p>45 C.F.R. § 155.300**</p> <p>45 C.F.R. § 309.05</p> <p>48 C.F.R. 1480.201*</p> <p>48 C.F.R. 352.226-1(e)(1)</p> <p>48 C.F.R. 1452.280-2*</p> <p>49 C.F.R. § 29.9*</p>	
<p>25 U.S.C. § 1603(13)</p> <p>25 U.S.C. § 1934**</p> <p>38 U.S.C. § 1730A(b)(2)**</p> <p>42 U.S.C. § 1397bb(b)(3)(D)**</p> <p>42 U.S.C. § 247b-14(c)(1)**</p> <p>42 U.S.C. § 1396u-2(a)(2)(C)**</p> <p>42 U.S.C. § 1397gg(e)(1)(R)*</p> <p>42 U.S.C. § 1397mm(f)(3)**</p>	<p>The term “Indians” or “Indian”, unless otherwise designated, means any person who is a member of an Indian tribe, as defined in subsection (d) hereof, except that, for the purpose of sections 1612 and 1613 of this title, such terms shall mean any individual who</p> <p>(A) irrespective of whether he or she lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or</p>

<p>42 USCA § 1396s(b)(2) (A)(iv); (h)(3)**</p> <p>42 U.S.C. § 280k(b)(1)**</p> <p>25 C.F.R. § 23.50(b)**</p> <p>42 C.F.R. § 136.302(h)*</p> <p>42 C.F.R. Pt. 5, App. B, (A)(2)(a-b)*</p> <p>42 C.F.R. Pt. 5, App. A, (a)(1)(C)(2)(a-b)*</p> <p>42 C.F.R. § 441.605(a)(4)**</p> <p>45 C.F.R. § 155.420(a)(5), (d)(8)(i), (ii)**</p> <p>42 C.F.R. § 136.43*</p> <p>42 C.F.R. § 136.303(a)*</p>	<p>(B) is an Eskimo or Aleut or other Alaska Native, or</p> <p>(C) is considered by the Secretary of the Interior to be an Indian for any purpose, or</p> <p>(D) is determined to be an Indian under regulations promulgated by the Secretary.</p>
<p>25 U.S.C. § 2511(3)</p>	<p>The term "Indian" means a member of an Indian tribe, and includes individuals who are eligible for membership in a tribe, and the child or grandchild of such an individual.</p>
<p>25 U.S.C. § 2201(2)</p>	<p>"Indian" means—</p> <p>(A) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of October 27, 2004) of a trust or restricted interest in land;</p> <p>(B) any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder; and</p> <p>(C) with respect to the inheritance and ownership of trust or restricted land in the State of California pursuant to section 2206 of this title, any person described in subparagraph (A) or (B) or any person who owns a trust or</p>

	restricted interest in a parcel of such land in that State.
25 U.S.C. § 5129 25 U.S.C. § 5323(m)**	The term “Indian” as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood.
20 U.S.C. § 7491(3) 25 U.S.C. § 2902(2)**	The term “Indian” means an individual who is— (A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including— (i) any tribe or band terminated since 1940; and (ii) any tribe or band recognized by the State in which the tribe or band resides; (B) a descendant, in the first or second degree, of an individual described in subparagraph (A); (C) considered by the Secretary of the Interior to be an Indian for any purpose; (D) an Eskimo, Aleut, or other Alaska Native; or (E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding October 20, 1994.
12 U.S.C. § 1715z-13a(l)(3)	The term “Indian” means person recognized as being Indian or Alaska Native by an Indian tribe, the Federal Government, or any State.
25 U.S.C. § 5204	Any ten or more Indians, as determined by the official tribal rolls, or Indian descendants of such enrolled members, or Indians as defined in the Act of June 18, 1934 (48 Stat. 984) [25 U.S.C. 5101 et seq.], who reside within the State of Oklahoma in convenient proximity to each other may receive from the Secretary of the Interior a charter as a local cooperative association.

<p>42 U.S.C. § 12511(19) 25 C.F.R. § 20.100* 25 C.F.R. § 20.300* 25 C.F.R. § 26.1* 45 C.F.R. § 2510.20* 48 C.F.R. 326.601* 48 C.F.R. 352.226-5*</p>	<p>The term "Indian" means a person who is a member of an Indian tribe, or is a "Native", as defined in section 1602(b) of title 43.</p>
<p>42 U.S.C. § 9911(e)(2) 42 U.S.C. § 9922(b)(2)(C)**</p>	<p>The term "Indian" means a member of an Indian tribe or of a tribal organization.</p>
<p>25 U.S.C. § 1903(3) 25 C.F.R. § 142.1(c)(25)(i)* 25 C.F.R. § 23.13(b)(2)* 42 C.F.R. § 136.403*</p>	<p>"Indian" means any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation as defined in section 1606 of title 43.</p>
<p>25 U.S.C. § 2007(f) 25 C.F.R. § 39.2</p>	<p>"[E]ligible Indian student" means a student who— (1) is a member of, or is at least one-fourth degree Indian blood descendant of a member of, a tribe that is eligible for the special programs and services provided by the United States through the Bureau to Indians because of their status as Indians; (2) resides on or near a reservation or meets the criteria for attendance at a Bureau off-reservation home-living school; and (3) is enrolled in a Bureau-funded school.</p>
<p>25 C.F.R. § 273.112</p>	<p>An Indian student is eligible for benefits provided by a Johnson O'Malley contract if the student . . . (c) Is either: (1) At least one-fourth (¼) degree Indian blood descendant of a member of an Indian Tribe as defined in § 273.106; or</p>

	(2) A member of an Indian Tribe as defined in § 273.106.
25 U.S.C. § 1301(4)	“Indian” means any person who would be subject to the jurisdiction of the United States as an Indian under section 1153, title 18, if that person were to commit an offense listed in that section in Indian country to which that section applies.
25 U.S.C. § 1903(4) 25 U.S.C. § 3202(7)** 45 C.F.R. § 1355-44(b)(3)**	“Indian child” is any unmarried child under age [eighteen] and is either (a) a member of an Indian Tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.
25 U.S.C. § 2101(1) 25 C.F.R. § 225.3	“Indian” means any individual Indian or Alaska Native who owns land or interests in land the title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.
18 U.S.C. § 1159(c)(1)* 25 U.S.C. § 305e(a)(1) 25 C.F.R. § 309.2(a)*	The term “Indian” means an individual that— (A) is a member of an Indian tribe; or (B) is certified as an Indian artisan by an Indian tribe.
20 U.S.C. § 7427(d)(1)	For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7423 of this title, the membership of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band.
25 U.S.C. § 1452(b) 48 C.F.R. 26.101* 48 C.F.R. 252.226-7001* 48 C.F.R. 52.226-1* 49 C.F.R. § 29.525**	“Indian” means any person who is a member of any Indian tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any “Native” as defined in the Alaska Native Claims Settlement Act.

<p>29 U.S.C. § 705(19)(A)</p> <p>34 C.F.R. § 371.6</p> <p>25 C.F.R. § 286.1*</p>	<p>The terms "Indian", "American Indian", and "Indian American" mean an individual who is a member of an Indian tribe and includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).</p>
<p>42 U.S.C. § 9835(l)(4)(B)*</p> <p>42 U.S.C. § 10411(d)(8)</p> <p>54 U.S.C. § 101913(5)(C)</p>	<p>Indians including Alaska Natives.</p>
<p>16 U.S.C. § 1722(5)</p>	<p>The term "Indian" means a person who—</p> <p>(A) is a member of an Indian tribe; or</p> <p>(B) is a "Native", as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).</p>
<p>8 U.S.C. § 1612(a)(2)(G)</p>	<p>With respect to eligibility for benefits for the specified Federal programs described in paragraph (3), section 1611(a) of this title and paragraph (1) shall not apply to any individual—</p> <p>(i) who is an American Indian born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act (8 U.S.C. 1359) apply; or</p> <p>(ii) who is a member of an Indian tribe (as defined in section 5304b(e) of title 25).</p>
<p>45 C.F.R. § 1336.10</p>	<p><i>American Indian or Indian</i> means any individual who is a member or a descendant of a member of a North American tribe, band, Pueblo or other organized group of native people who are indigenous to the Continental United States, or who otherwise have a special relationship with the United States or a State through treaty, agreement, or some other form of recognition. This includes any individual who claims to be an Indian and who is regarded as such by the Indian tribe, group, band, or community of which he or she claims to be a member.</p>
<p>24 C.F.R. § 1005.103</p>	<p><i>Indian</i> means any person recognized as being Indian or Alaska Native by an Indian tribe, the Federal Government, or any State, and includes the term "Native American."</p>

<p>42 C.F.R. § 136.12(a)</p>	<p>(1) Services will be made available, as medically indicated, to persons of Indian descent belonging to the Indian community served by the local facilities and program. Services will also be made available, as medically indicated, to a non-Indian woman pregnant with an eligible Indian's child but only during the period of her pregnancy through postpartum (generally about [six] weeks after delivery). In cases where the woman is not married to the eligible Indian under applicable state or tribal law, paternity must be acknowledged in writing by the Indian or determined by order of a court of competent jurisdiction. The Service will also provide medically indicated services to non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard.</p> <p>(2) Generally, an individual may be regarded as within the scope of the Indian health and medical service program if he/she is regarded as an Indian by the community in which he/she lives as evidenced by such factors as tribal membership, enrollment, residence on tax-exempt land, ownership of restricted property, active participation in tribal affairs, or other relevant factors in keeping with general Bureau of Indian Affairs practices in the jurisdiction.</p>
<p>34 C.F.R. § 263.3 34 C.F.R. § 263.20</p>	<p><i>Indian</i> means an individual who is—</p> <p>(1) A member of an Indian tribe or band, as membership is defined by the Indian tribe or band, including any tribe or band terminated since 1940, and any tribe or band recognized by the State in which the tribe or band resides;</p> <p>(2) A descendant of a parent or grandparent who meets the requirements of paragraph (1) of this definition;</p> <p>(3) Considered by the Secretary of the Interior to be an Indian for any purpose;</p> <p>(4) An Eskimo, Aleut, or other Alaska Native;</p> <p>or</p>

	(5) A member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect on October 19, 1994.
25 C.F.R. § 169.2 25 C.F.R. § 162.003 25 C.F.R. § 15.2* 43 C.F.R. § 30.101* 43 C.F.R. § 100.100	<i>Indian</i> means: (1) Any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner as of October 27, 2004, of a trust or restricted interest in land; (2) Any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder; and (3) With respect to the inheritance and ownership of trust or restricted land in the State of California under 25 U.S.C. 2206, any person described in paragraph (1) or (2) of this definition or any person who owns a trust or restricted interest in a parcel of such land in that State.
25 C.F.R. § 41.3	<i>Indian student</i> means a student who is a member of an Indian Tribe, or a biological child of a living or deceased member of an Indian Tribe. Documentation is required to verify eligibility as a biological child of a living or deceased member of an Indian Tribe, and may include birth certificate and marriage license; Tribal records of student's parent; Indian Health Service eligibility cards; other documentation necessary to authenticate a student as eligible to be counted as an <i>Indian student</i> under this definition.
20 C.F.R. § 684.130	<i>Indian and Native American or INA</i> means, for the purpose of this part, an individual that is an American Indian, Native American, Native Hawaiian, or Alaska Native.
25 C.F.R. § 46.2	<i>Indian</i> means a person who is a member of, or is at least a one-fourth degree Indian blood descendent of a member of, an Indian tribe, and is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians.
25 C.F.R. § 23.2	<i>Indian</i> means any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation as

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<p>25 C.F.R. § 23.11(c)** 25 C.F.R. § 23.50(b)**</p>	<p>defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1606.</p>
<p>42 C.F.R. § 136.1</p>	<p>Indian includes Indians in the Continental United States, and Indians, Aleuts and Eskimos in Alaska.</p>
<p>42 C.F.R. § 438.14 42 C.F.R. § 438.50(d)(2)** 42 C.F.R. § 447.51*</p>	<p>Indian means any individual defined at 25 U.S.C. 1603(13), 1603(28), or 1679(a), or who has been determined eligible as an Indian, under 42 CFR 136.12. This means the individual:</p> <ul style="list-style-type: none"> (i) Is a member of a Federally recognized Indian tribe; (ii) Resides in an urban center and meets one or more of the four criteria: <ul style="list-style-type: none"> (A) Is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member; (B) Is an Eskimo or Aleut or other Alaska Native; (C) Is considered by the Secretary of the Interior to be an Indian for any purpose; or (D) Is determined to be an Indian under regulations issued by the Secretary; (iii) Is considered by the Secretary of the Interior to be an Indian for any purpose; or (iv) Is considered by the Secretary of Health and Human Services to be an Indian for purposes of eligibility for Indian health care services, including as a California Indian, Eskimo, Aleut, or other Alaska Native.
<p>34 C.F.R. § 222.90</p>	<p>Indian children means children residing on Indian lands who are recognized by an Indian tribe as being affiliated with that tribe.</p>
<p>24 C.F.R. § 203.43h(g)(1)</p>	<p>Indian means and individual member of any Indian tribe and that member's family.</p>
<p>25 C.F.R. § 36.3</p>	<p>Indian student means a student who is a member of an Indian tribe and is one-quarter (¼) or more degree of Indian blood quantum.</p>
<p>25 C.F.R. § 151.2(c)</p>	<p>Individual Indian means:</p>

	<p>(1) Any person who is an enrolled member of a tribe;</p> <p>(2) Any person who is a descendent of such a member and said descendant was, on June 1, 1934, physically residing on a federally recognized Indian reservation;</p> <p>(3) Any other person possessing a total of one-half or more degree Indian blood of a Tribe.</p>
25 C.F.R. § 290.2	<p>Member of an Indian tribe means an individual who meets the requirements established by applicable tribal law for enrollment in the tribe and—</p> <p>(1) Is listed on the tribal rolls of that tribe if such rolls are kept or</p> <p>(2) Is recognized as a member by the tribal governing body if tribal rolls are not kept.</p>
25 C.F.R. § 262.2(d)	<p>Indian individual means:</p> <p>(1) Any person who is an enrolled member of a Federally recognized Indian tribe;</p> <p>(2) Any person who is a descendent of such a member and was, on June 1, 1934, physically residing within the present boundaries of any Indian reservation; or</p> <p>(3) Any other person of one-half or more Indian blood of tribes indigenous to the United States.</p>
25 C.F.R. § 140.5(a)(1)	<p><i>Indian</i> means any member of an Indian tribe recognized as eligible for the services provided by the Bureau of Indian Affairs who is residing on a Federal Indian Reservation, on land held in trust by the United States for Indians, or on land subject to a restriction against alienation imposed by the United States.</p>
48 C.F.R. § 352.226-2	<p>The terms <i>Indian</i> . . . are defined in the clause of this contract entitled <i>Indian Preference</i>.</p>
42 C.F.R. § 457.10 42 C.F.R. § 457.535**	<p>American Indian/Alaska Native (AI/AN) means—</p> <p>(1) A member of a Federally recognized Indian tribe, band, or group;</p> <p>(2) An Eskimo or Aleut or other Alaska Native enrolled by the Secretary of the Interior pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 et. seq.; or</p> <p>(3) A person who is considered by the Secretary of the Interior to be an Indian for any purpose.</p>

42 C.F.R. § 52i.2	American Indians (including Alaska Natives, Eskimos, and Aleuts)
48 C.F.R. 326.502(a)	Indian means a person who is a member of an Indian tribe. If the contractor has reason to doubt that a person seeking employment preference is an Indian, the contractor shall grant the preference but shall require the individual provide evidence within [thirty] days from the tribe concerned that the person is a member of the tribe.
45 C.F.R. § 96.44(c)	For purposes of section 674(c)(2) of the Act (42 U.S.C. 9903(c)(2)) an <i>eligible Indian</i> means a member of an Indian tribe whose income is at or below the poverty line defined in section 673(2) of the Act (42 U.S.C. 9902(2)).
30 C.F.R. § 750.5	<i>Indian mineral owner</i> means (1) any individual Indian or Alaska native who owns land or mineral interests in land the title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States, or (2) any Indian tribe, band, native, pueblo, community, rancheria, colony, or other group which owns land or mineral interest in land the title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.
25 C.F.R. § 18.2	Indian means, for the purposes of the Act: (1) Any person who is a member of a federally recognized Indian tribe, is eligible to become a member of any federally recognized Indian tribe, or is an owner (as of October 27, 2004) of a trust or restricted interest in land; (2) Any person meeting the definition of Indian under 25 U.S.C. 479; or (3) With respect to the inheritance and ownership of trust or restricted land in the State of California under 25 U.S.C. 2206, any person described in paragraph (1) or (2) of this definition or any person who owns a trust or restricted interest in a parcel of such land in that State.
25 C.F.R. § 11.106	[A]n Indian is defined as a person who is a member of an Indian tribe which is recognized by the Federal Government as eligible for

	services from the BIA, and any other individual who is an "Indian" for the purposes of 18 U.S.C. 1152-1153.
20 C.F.R. § 668.300(a)(1) 20 C.F.R. § 668.430**	An Indian, as determined by a policy of the Native American grantee. The grantee's definition must at least include anyone who is a member of a Federally-recognized tribe.
42 C.F.R. § 136a.43	To be considered a preference eligible, the person must submit with the employment application a Bureau of Indian Affairs certification that the person is an Indian as defined by § 36a.41 except that an employee of the Indian Health Service who has a certificate of preference eligibility on file in the Official Personnel Folder is not required to resubmit such proof but may instead include a statement on the application that proof of eligibility is on file in the Official Personnel Folder.
25 C.F.R. § 5.1 25 C.F.R. § 166.901(c)(1)** 25 C.F.R. § 163.40(b)(3)(i)**	For purposes of making appointments to vacancies in all positions in the Bureau of Indian Affairs a preference will be extended to persons of Indian descent who are: (a) Members of any recognized Indian tribe now under Federal Jurisdiction; (b) Descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation; (c) All others of one-half or more Indian blood of tribes indigenous to the United States; (d) Eskimos and other aboriginal people of Alaska; and (e) For one (1) year or until the Osage Tribe has formally organized, whichever comes first, effective January 5, 1989, a person of at least one-quarter degree Indian ancestry of the Osage Tribe of Indians, whose rolls were closed by an act of Congress.

APPENDIX 2: FEDERAL STATUTORY AND REGULATORY DEFINITIONS OF ALASKA
NATIVE

Provision	Definition
<p>43 U.S.C. § 1602(b)</p> <p>20 U.S.C. § 1070a-15(d)(2)(A)**</p> <p>20 U.S.C. § 2326(a)(1)**</p> <p>20 U.S.C. § 7546(1)**</p> <p>29 U.S.C. § 3221(b)(1)**</p> <p>42 U.S.C. § 10402(1)**</p> <p>13 C.F.R. § 124.3**</p> <p>20 C.F.R. § 668.300**</p> <p>20 C.F.R. § 668.430**</p> <p>25 C.F.R. § 20.100**</p> <p>36 C.F.R. § 51.83(c)(5)**</p> <p>49 C.F.R. § 26.5*</p>	<p>“Native” means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakla Indian Community) Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group.</p>
<p>43 U.S.C. § 1602(r)</p> <p>29 U.S.C. § 3221(b)(1)**</p>	<p>“Descendant of a Native” means—</p> <p>(1) a lineal descendant of a Native or of an individual who would have been a Native if such individual were alive on December 18, 1971, or</p> <p>(2) an adoptee of a Native or of a descendant of a Native, whose adoption—</p> <p>(A) occurred prior to his or her majority, and</p> <p>(B) is recognized at law or in equity.</p>
<p>25 U.S.C. § 1685(b)(1)</p> <p>25 C.F.R. § 142.1*</p>	<p>The term “Alaska Native” means a person who is a member of any Native village, Village Corporation, or Regional Corporation.</p>
<p>45 C.F.R. § 1336.10</p>	<p><i>Alaskan Native</i> means a person who is an Alaskan Indian, Eskimo, or Aleut, or any combination thereof. The term also includes any person who is regarded as an Alaskan Native by the Alaskan Native Village or group of</p>

	which he or she claims to be a member and whose father or mother is (or, if deceased, was) regarded as an Alaskan Native by an Alaskan Native Village or group. The term includes any Alaskan Native as so defined, either or both of whose adoptive parents are not Alaskan Natives.
7 C.F.R. § 2500.103	<i>Alaska Native</i> means a citizen of the United States who is a person of one-fourth or more Alaska Indian, Eskimo, or Aleut blood, or combination thereof. (For further specification, see 43 U.S.C 1602(b) or the RFP).
50 C.F.R. § 18.3 50 C.F.R. § 216.3 50 C.F.R. § 17.3	<i>Alaskan Native</i> means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. section 1603(b)(85 Stat. 588)) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.
25 C.F.R. § 32.2(b)	<i>Alaska Native</i> means an Indian, Eskimo, or Aleut who is a member of an Alaska Native entity.
34 C.F.R. § 647.7	[A]s defined in section 7306 of the Elementary and Secondary Education Act of 1965, as amended (ESEA).
25 C.F.R. § 243.2	<i>Alaska Native</i> means Eskimos, Indians, and Aleuts inhabiting Alaska at the time of the Treaty of Cession of Alaska to the United States and their descendants currently living in Alaska.

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APPENDIX 3: FEDERAL STATUTORY AND REGULATORY DEFINITIONS OF URBAN INDIAN

Provision	Definition
25 U.S.C. § 1603(13), (28)	The term “Urban Indian” means any individual who resides in an urban center . . . and who meets one or more of the four criteria . . . (A) irrespective of whether he or she lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (B) is an Eskimo or Aleut or other Alaska Native, or (C) is considered by the Secretary of the Interior to be an Indian for any purpose, or (D) is determined to be an Indian under regulations promulgated by the Secretary.
25 U.S.C. § 2403(6)**	
25 U.S.C. § 1656(f)**	
42 U.S.C. § 1395cc(a)(1)(U)(ii)**	
38 U.S.C. § 1730A(b)(2)**	
42 C.F.R. § 136.302(h), (u)*	
42 C.F.R. § 136.31**	
42 C.F.R. § 136.204**	
42 C.F.R. § 489.29(a)(3)**	

APPENDIX 4: FEDERAL STATUTORY AND REGULATORY DEFINITIONS OF NATIVE AMERICAN

Provision	Definition
14 U.S.C. § 2131(b)(6)(A)(ii)**	The term “Native American” means an individual who is of a tribe, people, or culture that is indigenous to the United States.
20 U.S.C. § 1059f(b)(1)	
20 U.S.C. § 1067q(c)(6)	
25 U.S.C. § 3001(g)*	
20 U.S.C. § 7011(8)**	The term “Native American” means an Indian, Native Hawaiian, or Native American Pacific Islander.
20 U.S.C. § 7801(34)**	
25 U.S.C. § 2902(1)	
42 U.S.C. § 9832(15)(a)(ii)**	
42 USCA § 6966d(d)(2)(C)**	

38 U.S.C. § 3765(3)	<p>The term "Native American" means—</p> <p>(A) an Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d));</p> <p>(B) a native Hawaiian, as that term is defined in section 201(a)(7) of the Hawaiian Homes Commission Act, 1920 (Public Law 67-34; 42 Stat. 108);</p> <p>(C) an Alaska Native, within the meaning provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and</p> <p>(D) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).</p>
42 U.S.C. § 9858c(G)(ii)(V)(dd)	Native Americans, including Indians, as the term is defined in section 5304 of title 25 (including Alaska Natives within the meaning of that term), and Native Hawaiians (as defined in section 7517 of title 20).
42 U.S.C. § 293(g)(3) 42 U.S.C. § 254c-20(a)(5)**	The term "Native Americans" means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.
43 C.F.R. § 10.2(d)	The term <i>Native American</i> means of, or relating to, a tribe, people, or culture indigenous to the United States, including Alaska and Hawaii.
45 C.F.R. § 1336.10	<i>Native American</i> means American Indian, Indian, Native Hawaiian, and Alaskan Native, as defined in the Act, or in this section.
34 C.F.R. § 263.3	<i>Native American</i> means "Indian" as defined in section 6151(3) of the Elementary and Secondary Education Act, as amended, which includes Alaska Native and members of federally-recognized or State-recognized Tribes; Native Hawaiian; and Native American Pacific Islander.
38 C.F.R. § 36.4501	<i>Native American</i> means:

	<p>(1) An Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d));</p> <p>(2) A native Hawaiian, as defined in section 201(a)(7) of the Hawaiian Homes Commission Act of 1920, (Public Law 67-34, 42 Stat. 108);</p> <p>(3) An Alaska Native within the meaning provided for the term ‘Native’ in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and</p> <p>(4) A Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).</p>
<p>40 C.F.R. § 33.103</p> <p>40 C.F.R. § 33.304(d)**</p>	<p>Native Americans means any individual who is an American Indian, Eskimo, Aleut, or Native Hawaiian.</p>
<p>25 U.S.C. § 5802(5)**</p> <p>10 C.F.R. § 440.3</p> <p>10 C.F.R. § 455.2</p>	<p>Native American means a person who is a member of an Indian tribe.</p>
<p>45 C.F.R. § 98.44</p>	<p>Native Americans, including Indians, as the term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b (including Alaska Natives within the meaning of that term), and Native Hawaiians (as defined in section 6207 of the Elementary and Secondary Education Act of 1965).</p>
<p>34 C.F.R. § 200.6(k)(1)</p>	<p>“Native American” means “Indian” as defined in section 6151 of the Act, which includes Alaska Native and members of Federally recognized or State-recognized tribes; Native Hawaiian; and Native American Pacific Islander.</p>