



Food Distribution National Policy Memorandum

United States
Department of
Agriculture

Food and
Nutrition
Service

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Alexandria, VA
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DATE: February 23, 2005

POLICY NO.: FD-043: Food Distribution Program on Indian Reservations (FDPIR)

SUBJECT: Distinction between “Reservations” and “Land Held in Trust”

This memorandum provides guidance on the distinction between “reservations” and “land held in trust” or “trust land.”

Under 7 CFR 253.2, a “reservation” must meet two criteria: 1) it must be a geographically defined area (or areas) over which an Indian Tribal Organization (ITO) exercises governmental jurisdiction; and 2) it must be an area (or areas) that is legally recognized by the Federal or a State government as being set aside for the use of Indians.

In accordance with 25 U.S.C. 2201, “trust lands” are those lands where the title is held in trust by the United States for the benefit of American Indian tribes or for the benefit of individual American Indians.

The Supreme Court affirmed that trust land qualifies as a reservation if it has been **validly set apart for the use of Tribes**. Therefore, land held in trust for the benefit of a federally recognized Tribe would meet the definition of “reservation” for FDPIR purposes. However, land held in trust for individual American Indians **does not** qualify as a reservation.

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