TITLE 25--INDIANS

CHAPTER 14--MISCELLANEOUS

SUBCHAPTER V--PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

Sec. 461. Allotment of land on Indian reservations

On and after June 18, 1934, no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

(June 18, 1934, ch. 576, Sec. 1, 48 Stat. 984.)

Short Title

Act June 18, 1934, which enacted this section and sections 462, 463, 464, 465, 466 to 470, 471, 472, 473, 474, 475, 476 to 478, and 479 of this title, is popularly known as the "Indian Reorganization Act".

Act Referred to in Other Sections

Act June 18, 1934 (Indian Reorganization Act) is referred to in sections 324, 396b, 443, 470a, 473a, 475a, 478a, 478b, 480, 482, 483, 488, 503, 504, 507, 566b, 711a, 715a, 715c, 723, 725, 728, 733, 758, 762, 903a, 903c, 941, 941g, 941h, 983a, 983b, 1300b-14, 1300f, 1300g-2, 1300h-2, 1300h-5, 1300i-8, 1300j, 1300j-1, 1300k, 1300k-2, 1300k-4, 1300l, 1300l-2, 1300m-1, 1300m-3, 1461, 2108 of this title; title 7 section 1471; title 42 section 12511; title 43 section 1615.

Section Referred to in Other Sections

This section is referred to in section 473a of this title.
Sec. 462. Existing periods of trust and restrictions on alienation extended

The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are extended and continued until otherwise directed by Congress.

(June 18, 1934, ch. 576, Sec. 2, 48 Stat. 984.)

Section Referred to in Other Sections

This section is referred to in section 478-1 of this title.
Sec. 463. Restoration of lands to tribal ownership

(a) Protection of existing rights

The Secretary of the Interior, if he shall find it to be in the public interest, is authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: Provided further, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation.

(b) Papago Indians; permits for easements, etc.

(3) Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of this Act, except under permit from the Secretary of the Interior approved by the Papago Indian Council: Provided, That nothing herein shall be construed as interfering with or affecting the validity of the water rights of the Indians of this reservation: Provided further, That the appropriation of living water heretofore or hereafter affected, by the Papago Indians is recognized and validated subject to all the laws applicable thereto.
(4) Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes.

References in Text

``Heretofore'', referred to in subsec. (a), means before June 18, 1934.

The public-land laws of the United States, referred to in subsec. (a), are classified generally to Title 43, Public Lands.

This Act, referred to in subsecs. (a) and (b)(3), is act June 18,
1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Amendments

1955--Subsec. (b)(1). Act May 27, 1955, repealed par. (1) which restored lands of Papago Indian Reservation to exploration and location.
   Subsec. (b)(2). Act May 27, 1955, repealed par. (2) which required person desiring a mineral patent to pay $1 per acre in lieu of annual rental.
   Subsec. (b)(1). Act Aug. 28, 1937, designated existing provisions of first par. as par. (1), substituted "damages shall be paid to the superintendent or other officer in charge of the reservation for the credit of the owner thereof" for "damages shall be paid to the Papago Tribe" and "to be the fair and reasonable value of such improvement" for "but not to exceed the cost of said improvements" and struck out "and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe" after "mining operations,"
   Subsec. (b)(2). Act Aug. 28, 1937, designated existing provisions of first par. as par. (2), inserted "pay to the superintendent or other officer in charge of the reservation, for" before "deposit", substituted "Provided, That an applicant for patent shall also pay to the Secretary or other officer in charge of the said reservation for the credit of the owner" for "Provided further, That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe" substituted "but the sum thus deposited, except for a deduction of rental at the annual rate hereinbefore provided, shall be refunded to the applicant in the event that patent is not acquired" for "the payment of $1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired" after "determination by the Secretary of the Interior, but not to exceed the cost thereof".

Transfer of Functions

Functions of all other officers of Department of the Interior and functions of all agencies and employees of Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, Secs. 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.

Restoration of Vacant and Undisposed-of Ceded Lands in Certain Indian Reservations
Pub. L. 85-420, May 19, 1958, 72 Stat. 121, provided: `That all lands now or hereafter classified as vacant and undisposed-of ceded lands (including townsite lots) on the following named Indian reservations are hereby restored to tribal ownership, subject to valid existing rights:

<table>
<thead>
<tr>
<th>Reservation and State</th>
<th>Approximate acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Klamath River, California</td>
<td>159.57</td>
</tr>
<tr>
<td>Coeur d'Alene, Idaho</td>
<td>12,877.65</td>
</tr>
<tr>
<td>Crow, Montana</td>
<td>10,260.95</td>
</tr>
<tr>
<td>Fort Peck, Montana</td>
<td>41,450.13</td>
</tr>
<tr>
<td>Spokane, Washington</td>
<td>5,451.00</td>
</tr>
</tbody>
</table>

Provided, That such restoration shall not apply to any lands while they are within reclamation projects heretofore authorized.

`Sec. 2. Title to the lands restored to tribal ownership by this Act shall be held by the United States in trust for the respective tribe or tribes, and such lands are hereby added to and made a part of the existing reservations for such tribe or tribes.

`Sec. 3. The lands restored to tribal ownership by this Act may be sold or exchanged by the tribe, with the approval of the Secretary of the Interior.''

Papago Indian Reservation

Section 1 of act May 27, 1955, provided: `That the provisions with respect to subjection of mineral lands within the Papago Indian Reservation to exploration, location, and entry under the mining laws of the United States in the Executive order dated February 1, 1917, creating the Papago Indian Reservation, and in the third proviso in section 1 of the Act of February 21, 1931 (46 Stat. 1202), and the provisions of subsection (b)(1) and (2) and of the remainder, following the word `purposes', of subsection (b)(4) of section 3 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461-479), as amended by the Act of August 28, 1937 (50 Stat. 862, 863; 25 U.S.C. 463) [this section], are hereby repealed, all tribal lands within the Papago Indian Reservation are hereby withdrawn from all forms of exploration, location, and entry under such laws, the minerals underlying such lands are hereby made a part of the reservation to be held in trust by the United States for the Papago Indian Tribe, and such minerals shall be subject to lease for mining purposes pursuant to the provisions of the Act of May 11, 1938 (52 Stat. 347) [sections 396a to 396g of this title]: Provided, That the provisions of this Act shall not be applicable to lands within the Papago Indian Reservation for which a mineral patent has heretofore been issued or to a claim that has been validly initiated before the date of this Act and thereafter maintained under the mining laws of the United States.'
Sec. 464. Transfer of restricted Indian lands or shares in assets of Indian tribes or corporation; exchange of lands

Except as herein provided, no sale, devise, gift, exchange, or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: Provided, however, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs or lineal descendants of such member or, except as provided by the Indian Land Consolidation Act [25 U.S.C. 2201 et seq.], any other Indian person for whom the Secretary of the Interior determines that the United States may hold land in trust: Provided further, That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.


References in Text

Herein provided, referred to in text, means provided in act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

The Indian Land Consolidation Act, referred to in text, is title II of Pub. L. 97-459, Jan. 12, 1983, 96 Stat. 2517, as amended, which is classified generally to chapter 24 (Sec. 2201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

Amendments
2000--Pub. L. 106-462, which directed the amendment of this section by substituting "member or, except as provided by the Indian Land Consolidation Act," for "member or: ", was executed by making the substitution for "member or:" before "any other Indian person" to reflect the probable intent of Congress because the phrase "member or:" did not appear in text.

1980--Pub. L. 96-363, which directed the amendment of the first proviso of this section by substituting "or any heirs or lineal descendants of such member or any other Indian person for whom the Secretary of the Interior determines that the United States may hold land in trust" for "or any heirs of such members", was executed by making the substitution for "or any heirs of such member" to reflect the probable intent of Congress.

Section Referred to in Other Sections

This section is referred to in section 473 of this title.
Sec. 465. Acquisition of lands, water rights or surface rights; appropriation; title to lands; tax exemption

The Secretary of the Interior is authorized, in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: Provided, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona, nor in New Mexico, in the event that legislation to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, or similar legislation, becomes law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act or the Act of July 28, 1955 (69 Stat. 392), as amended (25 U.S.C. 608 et seq.) shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

(June 18, 1934, ch. 576, Sec. 5, 48 Stat. 985; Pub. L. 100-581, title II, Sec. 214, Nov. 1, 1988, 102 Stat. 2941.)

References in Text

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Act of July 28, 1955, referred to in text, is act July 28, 1955, ch. 423, 69 Stat. 392, as amended, which is classified to sections 608 to 608c of this title. For complete classification of this Act to the Code, see Tables.
Payson Band, Yavapai-Apache Indian Reservation

Pub. L. 92-470, Oct. 6, 1972, 86 Stat. 783, provided: "That (a) a suitable site (of not to exceed eighty-five acres) for a village for the Payson Community of Yavapai-Apache Indians shall be selected in the Tonto National Forest within Gila County, Arizona, by the leaders of the community, subject to approval by the Secretary of the Interior and the Secretary of Agriculture. The site so selected is hereby declared to be held by the United States in trust as an Indian reservation for the use and benefit of the Payson Community of Yavapai-Apache Indians.

(b) The Payson Community of Yavapai-Apache Indians shall be recognized as a tribe of Indians within the purview of the Act of June 18, 1934, as amended (25 U.S.C. 461-479, relating to the protection of Indians and conservation of resources), and shall be subject to all of the provisions thereof.''

Rocky Boy's Indian Reservation

Pub. L. 85-773, Aug. 27, 1958, 72 Stat. 931, provided: "That the land acquired by the United States pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 984) [this section], title to which was conveyed to the United States of America in trust for the Chippewa, Cree, and other Indians of Montana, and thereafter added to the Rocky Boy's Indian Reservation, Montana, by proclamation signed by the Assistant Secretary of the Interior on November 26, 1947, is hereby designated for the exclusive use of the members of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana.''

Seminole Indian Reservation

Act July 20, 1956, ch. 645, 70 Stat. 581, provided: "That the equitable title to the lands and interests in lands together with the improvements thereon, acquired by the United States under authority of title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and section 55 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes'’, approved August 24, 1935 (49 Stat. 750, 781), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order Numbered 7868, dated April 15, 1938, for the use of the Seminole Tribe, is hereby conveyed to the Seminole Tribe of Indians in the State of Florida, and such lands and interests are hereby declared to be held by the United States in trust for the Seminole Tribe of Indians in the State of Florida in the same manner and to the same extent as other land held in trust for such tribe.

Sec. 2. The lands declared to be held in trust for the Seminole Tribe of Indians in the State of Florida under the first section of this Act and all lands which have been acquired by the United States for the Seminole Tribe of Indians in the State of Florida under authority of the
Act entitled 'An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes' approved June 18, 1934 (48 Stat. 984) [sections 461, 462, 463, 464, 465, 466 to 470, 471, 472, 473, 474, 475, 476 to 478 and 479 of this title], are hereby declared to be a reservation for the use and benefit of such Seminole Tribe in Florida.

'Sec. 3. Nothing in this Act shall deprive any Indian of any individual right, ownership, right of possession, or contract right he may have in any land or interest in land referred to in this Act.'

Section Referred to in Other Sections

This section is referred to in sections 463b, 473a, 475a, 608, 1041e, 1300i-1, 1773c, 1779d, 2202, 2719 of this title.
Sec. 466. Indian forestry units; rules and regulations

The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

(June 18, 1934, ch. 576, Sec. 6, 48 Stat. 986.)
Sec. 467. New Indian reservations

The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: Provided, That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

(June 18, 1934, ch. 576, Sec. 7, 48 Stat. 986.)

References in Text

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Section Referred to in Other Sections

This section is referred to in sections 473, 473a, 1300i-1, 2719 of this title.
Sec. 468. Allotments or holdings outside of reservations

Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

(June 18, 1934, ch. 576, Sec. 8, 48 Stat. 986.)

References in Text

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Section Referred to in Other Sections

This section is referred to in section 473a of this title.
Sec. 469. Indian corporations; appropriation for organizing

There is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed $250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

(June 18, 1934, ch. 576, Sec. 9, 48 Stat. 986.)

References in Text

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Section Referred to in Other Sections

This section is referred to in section 473 of this title.
Sec. 470. Revolving fund; appropriation for loans

There is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $20,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established.


Amendments

1961--Pub. L. 87-250 substituted ``$20,000,000'' for ``$10,000,000''.

1960--Pub. L. 86-533 repealed provisions which required a report to be made annually to the Congress of transactions under the authorization.

Revolving Fund: Interest-Free Loans to Klamath Indians; Refinancing Lending Agency Loans

Use of Revolving Loan Fund for Indians to assist Klamath Indians during period for terminating Federal supervision, see note set out under section 564 of this title. Funds to be administered as a single Indian Revolving Loan Fund after Apr. 12, 1974, see section 1461 of this title.

Section Referred to in Other Sections

This section is referred to in sections 470a, 473, 473a, 671, 674, 676 of this title.
There is authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: Provided, That not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

(June 18, 1934, ch. 576, Sec. 11, 48 Stat. 986.)

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, Secs. 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.

Section Referred to in Other Sections

This section is referred to in section 473 of this title.
Sec. 472. Standards for Indians appointed to Indian Office

The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

(June 18, 1934, ch. 576, Sec. 12, 48 Stat. 986.)

Codification

Provisions which authorized appointments "without regard to civil-service laws" were omitted as obsolete. Appointments in the executive branch are subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order No. 8743, Apr. 23, 1941, issued by the President pursuant to act Nov. 26, 1940, ch. 919, title I, Sec. 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees. All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to providing services to Indians when filled by the appointment of Indians are excepted from the competitive service under Schedule A of the Civil Service Rules.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, Secs. 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.

Conversion to Career Appointment

Status of Indian appointed to Federal service under excepted appointment to be converted to career appointment in competitive service after three years of continuous service and satisfactory performance, see section 450i(m) of this title.
Section Referred to in Other Sections

This section is referred to in sections 4501, 472a, 473, 1661, 2012 of this title; title 5 section 8336.
TITLE 25--INDIANS
CHAPTER 14--MISCELLANEOUS
SUBCHAPTER V--PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

Sec. 473. Application generally

The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16 [25 U.S.C. 469, 470, 471, 472, 476] shall apply to the Territory of Alaska: Provided, That sections 4, 7, 16, 17, and 18 of this Act [25 U.S.C. 464, 467, 476, 477, 478] shall not apply to the following-named Indian tribes, the members of such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act [25 U.S.C. 464] shall not apply to the Indians of the Klamath Reservation in Oregon.

(June 18, 1934, ch. 576, Sec. 13, 48 Stat. 986; Pub. L. 101-301, Sec. 3(b), May 24, 1990, 104 Stat. 207.)

References in Text

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Amendments

1990--Pub. L. 101-301 substituted ```sections 4,'' for ```sections 2, 4,'' in proviso.

Admission of Alaska as State

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.
Sec. 474. Continuation of allowances

The Secretary of the Interior is directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat. L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat. L. 334), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 29, 1908 (25 Stat. L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such such time as the lands available therein for allotment on June 18, 1934, would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

(June 18, 1934, ch. 576, Sec. 14, 48 Stat. 987.)

References in Text

Section 17 of the Act of March 2, 1889, referred to in text, probably means section 17 of act Mar. 2, 1889, ch. 405, 25 Stat. 894, which contains a proviso that each head of family or single person over the age of eighteen years of the Sioux Nation of Indians, `who shall have or may hereafter take his or her allotment of land in severalty, shall be provided with two milch cows, one pair of oxen, with yoke and chain, or two mares and one set of harness in lieu of said oxen, yoke and chain, as the Secretary of the Interior may deem advisable, and they shall also receive one plow, one wagon, one harrow, one hoe, one axe, and one pitchfork, all suitable to the work they may have to do, and also fifty dollars in cash; to be expended under the direction of the Secretary of the Interior in aiding such Indians to erect a house and other buildings suitable for residence or the improvement of his allotment; no sales, barters or bargains shall be made by any person other than said Indians with each other, of any of the personal property hereinbefore provided for, and any violation of this provision shall be deemed a misdemeanor and punished by fine not exceeding one hundred dollars, or imprisonment not exceeding one year or both in the
discretion of the court.''

Act of June 10, 1896, referred to in text, is act June 10, 1896, ch. 398, 29 Stat. 334, which contains a provision directing the Secretary of the Interior to ascertain the number of Sioux and Ponca Indians in South Dakota and Nebraska who would not be benefited by the fulfillment of the proviso quoted above from the act of March 2, 1889, and who desire to have the articles of personal property, therein mentioned converted into money, and in lieu of such articles of personal property, or any part thereof he may think proper, to convert or commute the same, or so much thereof as he may think proper, into money, and to pay the amount thereof to such Indians.

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Section 19 of the Act of May 29, 1908, referred to in text, probably means section 19 of act May 29, 1908, ch. 216, 35 Stat. 451, which authorizes the Secretary of the Interior to cause allotments to be made under the provisions of act Mar. 2, 1889, ch. 405, 25 Stat. 888, to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who had not prior to May 29, 1908, been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands. The section further provides that where, for any reason, an Indian did not receive the quantity of land to which he was entitled under the provisions of said act Mar. 2, 1889, the Secretary of the Interior shall cause to be allotted to him sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land theretofore allotted to him, the acreage to which he is entitled under said act Mar. 2, 1889; and in case of the death of any such Indian, the additional lands to which he is of right entitled may be allotted to his heirs: Provided, the tribe to which he belonged is possessed of any unallotted tribal or reservation lands.

Appropriations

Section 2 of act June 26, 1934, ch. 756, 48 Stat. 1225, which was classified to section 725a of former Title 31, Money and Finance, repealed the permanent appropriation under the title `Civilization of the Sioux (4x950)'' effective July 1, 1935, and provided that such portions of any Acts as make permanent appropriations to be expended under such account are amended so as to authorize, in lieu thereof, annual appropriations from the general fund of the Treasury in identical terms and in such amounts as now provided by the laws providing such permanent appropriations.
Sec. 475. Claims or suits of Indian tribes against United States; rights unimpaired

Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by said sections shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

(June 18, 1934, ch. 576, Sec. 15, 48 Stat. 987.)

References in Text

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Section Referred to in Other Sections

This section is referred to in section 473a of this title.
Sec. 476. Organization of Indian tribes; constitution and bylaws and amendment thereof; special election

(a) Adoption; effective date

Any Indian tribe shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, and any amendments thereto, which shall become effective when--

(1) ratified by a majority vote of the adult members of the tribe or tribes at a special election authorized and called by the Secretary under such rules and regulations as the Secretary may prescribe; and

(2) approved by the Secretary pursuant to subsection (d) of this section.

(b) Revocation

Any constitution or bylaws ratified and approved by the Secretary shall be revocable by an election open to the same voters and conducted in the same manner as provided in subsection (a) of this section for the adoption of a constitution or bylaws.

(c) Election procedure; technical assistance; review of proposals; notification of contrary-to-applicable law findings

(1) The Secretary shall call and hold an election as required by subsection (a) of this section--

(A) within one hundred and eighty days after the receipt of a tribal request for an election to ratify a proposed constitution and bylaws, or to revoke such constitution and bylaws; or

(B) within ninety days after receipt of a tribal request for election to ratify an amendment to the constitution and bylaws.

(2) During the time periods established by paragraph (1), the Secretary shall--

(A) provide such technical advice and assistance as may be requested by the tribe or as the Secretary determines may be needed; and

(B) review the final draft of the constitution and bylaws, or amendments thereto to determine if any provision therein is contrary to applicable laws.
(3) After the review provided in paragraph (2) and at least thirty
days prior to the calling of the election, the Secretary shall notify
the tribe, in writing, whether and in what manner the Secretary has
found the proposed constitution and bylaws or amendments thereto to be
contrary to applicable laws.

(d) Approval or disapproval by Secretary; enforcement

(1) If an election called under subsection (a) of this section
results in the adoption by the tribe of the proposed constitution and
bylaws or amendments thereto, the Secretary shall approve the
constitution and bylaws or amendments thereto within forty-five days
after the election unless the Secretary finds that the proposed
constitution and bylaws or any amendments are contrary to applicable
laws.

(2) If the Secretary does not approve or disapprove the constitution
and bylaws or amendments within the forty-five days, the Secretary’s
approval shall be considered as given. Actions to enforce the provisions
of this section may be brought in the appropriate Federal district
court.

(e) Vested rights and powers; advisement of presubmitted budget
estimates

In addition to all powers vested in any Indian tribe or tribal
council by existing law, the constitution adopted by said tribe shall
also vest in such tribe or its tribal council the following rights and
powers: To employ legal counsel; to prevent the sale, disposition,
lease, or encumbrance of tribal lands, interests in lands, or other
tribal assets without the consent of the tribe; and to negotiate with
the Federal, State, and local governments. The Secretary shall advise
such tribe or its tribal council of all appropriation estimates or
Federal projects for the benefit of the tribe prior to the submission of
such estimates to the Office of Management and Budget and the Congress.

(f) Privileges and immunities of Indian tribes; prohibition on new
regulations

Departments or agencies of the United States shall not promulgate
any regulation or make any decision or determination pursuant to the Act
of June 18, 1934 (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or
any other Act of Congress, with respect to a federally recognized Indian
tribe that classifies, enhances, or diminishes the privileges and
immunities available to the Indian tribe relative to other federally
recognized tribes by virtue of their status as Indian tribes.

(g) Privileges and immunities of Indian tribes; existing regulations

Any regulation or administrative decision or determination of a
department or agency of the United States that is in existence or effect
on May 31, 1994, and that classifies, enhances, or diminishes the
privileges and immunities available to a federally recognized Indian
tribe relative to the privileges and immunities available to other
federally recognized tribes by virtue of their status as Indian tribes
shall have no force or effect.

(June 18, 1934, ch. 576, Sec. 16, 48 Stat. 987; Pub. L. 100-581, title

References in Text

Act of June 18, 1934, referred to in subsec. (f), popularly known as the Indian Reorganization Act, is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Codification

May 31, 1994, referred to in subsec. (g), was in the original "the date of enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 103-263, which enacted subsec. (g) of this section, to reflect the probable intent of Congress.

Amendments

2000--Subsec. (e). Pub. L. 106-179 struck out "`, the choice of counsel and fixing of fees to be subject to the approval of the Secretary'" after "`To employ legal counsel'".
1994--Subsecs. (f), (g). Pub. L. 103-263 added subsecs. (f) and (g).
1988--Pub. L. 100-581 amended section generally, substituting subsecs. (a) to (e) for two former undesignated pars.

Definitions Applicable

Section 102 of title I of Pub. L. 100-581 provided that: `For the purpose of this Act [probably means title I of Pub. L. 100-581 which amended this section and enacted provisions set out below], the term--
`(1) `applicable laws' means any treaty, Executive order or Act of Congress or any final decision of the Federal courts which are applicable to the tribe, and any other laws which are applicable to the tribe pursuant to an Act of Congress or by any final decision of the Federal courts;
`(2) `appropriate tribal request' means receipt in the Area Office of the Bureau of Indian Affairs having administrative jurisdiction over the requesting tribe, of a duly enacted tribal resolution requesting a Secretarial election as well as a copy of the proposed tribal constitution and bylaws, amendment, or revocation action;
`(3) `Secretary' means the Secretary of the Interior.''

Amendment of Tribal Constitution and Bylaws

Section 103 of title I of Pub. L. 100-581 provided that: `Nothing in this Act [probably means title I of Pub. L. 100-581 which amended this section and enacted provisions set out above] is intended to amend, revoke, or affect any tribal constitution, bylaw, or amendment ratified and approved prior to this Act.''

Section Referred to in Other Sections
This section is referred to in sections 390, 396b, 450j-1, 4501, 458cc, 458aaa-10, 473, 473a, 566b, 711d, 713d, 714d, 715g, 734, 735, 765, 983f, 1300h-4, 1300j-4, 1300k-6, 1300l-5, 1300m-6, 1300n-6, 1742, 1750a, 1772a, 2108, 2213 of this title; title 16 section 803.
Sec. 477. Incorporation of Indian tribes; charter; ratification by election

The Secretary of the Interior may, upon petition by any tribe, issue a charter of incorporation to such tribe: Provided, That such charter shall not become operative until ratified by the governing body of such tribe. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law; but no authority shall be granted to sell, mortgage, or lease for a period exceeding twenty-five years any trust or restricted lands included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

(June 18, 1934, ch. 576, Sec. 17, 48 Stat. 988; Pub. L. 101-301, Sec. 3(c), May 24, 1990, 104 Stat. 207.)

Amendments

1990--Pub. L. 101-301 substituted ``by any tribe'' for ``by at least one-third of the adult Indians'', ``by the governing body of such tribe'' for ``at a special election by a majority vote of the adult Indians living on the reservation'', and ``twenty-five years any trust or restricted lands'' for ``ten years any of the land''.

Section Referred to in Other Sections

This section is referred to in sections 396b, 473, 473a, 478-1, 713b, 2108 of this title.
Sec. 478. Acceptance optional

This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after June 18, 1934, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

(June 18, 1934, ch. 576, Sec. 18, 48 Stat. 988.)

References in Text

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Extensions of Time

The time for holding an election under this section was extended to June 18, 1936, by act June 15, 1935, ch. 260, Sec. 2, 49 Stat. 378. Act June 15, 1935, ch. 260, Sec. 3, 49 Stat. 378, provided that the periods of trust or the restrictions on alienation of Indian lands should be extended to Dec. 31, 1936, in case of a vote against the application of sections 461, 462, 463, 464, 465, 466 to 470, 471, 472, 473, 474, 475, 476 to 478, and 479 of this title.

Section Referred to in Other Sections

This section is referred to in sections 473, 478-1, 566b, 2202 of this title.
Sec. 478-1. Mandatory application of sections 462 and 477

Notwithstanding section 478 of this title, sections 462 and 477 of this title shall apply to--

(1) all Indian tribes,
(2) all lands held in trust by the United States for Indians,
and
(3) all lands owned by Indians that are subject to a restriction imposed by the United States on alienation of the rights of the Indians in the lands.

(Pub. L. 101-301, Sec. 3(a), May 24, 1990, 104 Stat. 207.)
TITLE 25--INDIANS

CHAPTER 14--MISCELLANEOUS

SUBCHAPTER V--PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

Sec. 479. Definitions

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. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term `tribe' wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words `adult Indians' wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

(June 18, 1934, ch. 576, Sec. 19, 48 Stat. 988.)

References in Text

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Admission of Alaska as State

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Section Referred to in Other Sections

This section is referred to in sections 450i, 473a of this title.
TITLE 25--INDIANS

CHAPTER 14--MISCELLANEOUS

SUBCHAPTER V--PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

Sec. 479a. Definitions

For the purposes of this title:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Indian tribe" means any Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

(3) The term "list" means the list of recognized tribes published by the Secretary pursuant to section 479a-1 of this title.

(Pub. L. 103-454, title I, Sec. 102, Nov. 2, 1994, 108 Stat. 4791.)

References in Text

This title, referred to in introductory provisions, is title I of Pub. L. 103-454, Nov. 2, 1994, 108 Stat. 4791, which enacted this section, section 479a-1 of this title, and provisions set out as notes below. For complete classification of this title to the Code, see Short Title note below and Tables.

Short Title

Section 101 of title I of Pub. L. 103-454 provided that: "This title [enacting this section and section 479a-1 of this title and provisions set out below] may be cited as the 'Federally Recognized Indian Tribe List Act of 1994'."

Congressional Findings

Section 103 of Pub. L. 103-454 provided that: "The Congress finds that--

``(1) the Constitution, as interpreted by Federal case law, invests Congress with plenary authority over Indian Affairs;

``(2) ancillary to that authority, the United States has a trust responsibility to recognized Indian tribes, maintains a government-to-government relationship with those tribes, and recognizes the sovereignty of those tribes;

``(3) Indian tribes presently may be recognized by Act of
Congress; by the administrative procedures set forth in part 83 of the Code of Federal Regulations denominated ‘Procedures for Establishing that an American Indian Group Exists as an Indian Tribe;' or by a decision of a United States court;

``(4) a tribe which has been recognized in one of these manners may not be terminated except by an Act of Congress;
``(5) Congress has expressly repudiated the policy of terminating recognized Indian tribes, and has actively sought to restore recognition to tribes that previously have been terminated;
``(6) the Secretary of the Interior is charged with the responsibility of keeping a list of all federally recognized tribes;
``(7) the list published by the Secretary should be accurate, regularly updated, and regularly published, since it is used by the various departments and agencies of the United States to determine the eligibility of certain groups to receive services from the United States; and
``(8) the list of federally recognized tribes which the Secretary publishes should reflect all of the federally recognized Indian tribes in the United States which are eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''

Section Referred to in Other Sections

This section is referred to in title 18 section 228; title 42 section 3796ee-1.