

Act of August 2, 1956, referred to in subsec. (a), is act Aug. 2, 1956, ch. 886, 70 Stat. 941, which was not classified to the Code.

Act of October 9, 1972, referred to in subsec. (a), is Pub. L. 92-480, Oct. 9, 1972, 86 Stat. 795, which was not classified to the Code.

Section 1 of the Act of October 13, 1972, referred to in subsec. (a), is section 1 of Pub. L. 92-488, Oct. 13, 1972, 86 Stat. 806, which was not classified to the Code.

The Mineral Leasing Act of 1920, referred to in subsec. (a), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§181 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

CODIFICATION

Section was formerly classified to section 459d of this title prior to editorial reclassification and renumbering as this section.

§ 5506. Tax exemption for conveyed lands and gross receipts; distribution of gross receipts to tribal members

All property conveyed to tribes pursuant to this chapter and all the receipts therefrom referred to in section 5505 of this title, shall be exempt from Federal, State, and local taxation so long as such property is held in trust by the United States. Any distribution of such receipts to tribal members shall neither be considered as income or resources of such members for purposes of any such taxation nor as income, resources, or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such member or his household would otherwise be entitled to under the Social Security Act [42 U.S.C. 301 et seq.] or any other Federal or federally assisted program. (Pub. L. 94-114, § 6, Oct. 17, 1975, 89 Stat. 579.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 459e of this title prior to editorial reclassification and renumbering as this section.

CHAPTER 48—INDIAN TRUST ASSET REFORM

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SUBCHAPTER I—RECOGNITION OF TRUST RESPONSIBILITY

§ 5601. Findings

Congress finds that—

(1) there exists a unique relationship between the Government of the United States and the governments of Indian tribes;

(2) there exists a unique Federal responsibility to Indians;

(3) through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indians;

(4) the fiduciary responsibilities of the United States to Indians also are founded in part on specific commitments made through written treaties and agreements securing peace, in exchange for which Indians have surrendered claims to vast tracts of land, which provided legal consideration for permanent, ongoing performance of Federal trust duties; and

(5) the foregoing historic Federal-tribal relations and understandings have benefitted the people of the United States as a whole for centuries and have established enduring and enforceable Federal obligations to which the national honor has been committed.

(Pub. L. 114-178, title I, §101, June 22, 2016, 130 Stat. 432.)

SHORT TITLE

Pub. L. 114-178, §1(a), June 22, 2016, 130 Stat. 432, provided that: "This Act [enacting this chapter] may be cited as the 'Indian Trust Asset Reform Act'."

Pub. L. 114-178, title II, §201, June 22, 2016, 130 Stat. 433, provided that: "This title [enacting subchapter II of this chapter] may be cited as the 'Indian Trust Asset Management Demonstration Project Act of 2016'."

§ 5602. Reaffirmation of policy

Pursuant to the constitutionally vested authority of Congress over Indian affairs, Congress reaffirms that the responsibility of the United States to Indian tribes includes a duty to promote tribal self-determination regarding governmental authority and economic development.

(Pub. L. 114-178, title I, §102, June 22, 2016, 130 Stat. 433.)

SUBCHAPTER II—INDIAN TRUST ASSET MANAGEMENT DEMONSTRATION PROJECT

§ 5611. Definitions

In this subchapter:

(1) Indian tribe

The term "Indian tribe" has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).¹

¹ See References in Text note below.

(2) Project

The term “Project” means the Indian trust asset management demonstration project established under section 5612(a) of this title.

(3) Secretary

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 114-178, title II, §202, June 22, 2016, 130 Stat. 433.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in par. (1), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. Definitions of terms in the Act were contained in section 450b of this title, which was editorially reclassified as section 5304 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

§ 5612. Establishment of demonstration project; selection of participating Indian tribes**(a) In general**

The Secretary shall establish and carry out an Indian trust asset management demonstration project, in accordance with this subchapter.

(b) Selection of participating Indian tribes**(1) In general**

An Indian tribe shall be eligible to participate in the project if—

(A) the Indian tribe submits to the Secretary an application under subsection (c); and

(B) the Secretary approves the application of the Indian tribe.

(2) Notice**(A) In general**

The Secretary shall provide a written notice to each Indian tribe approved to participate in the project.

(B) Contents

A notice under subparagraph (A) shall include—

(i) a statement that the application of the Indian tribe has been approved by the Secretary; and

(ii) a requirement that the Indian tribe shall submit to the Secretary a proposed Indian trust asset management plan in accordance with section 5613 of this title.

(c) Application**(1) In general**

To be eligible to participate in the project, an Indian tribe shall submit to the Secretary a written application in accordance with paragraph (2).

(2) Requirements

The Secretary shall consider an application under this subsection only if the application—

(A) includes a copy of a resolution or other appropriate action by the governing body of the Indian tribe, as determined by the Secretary, in support of or authorizing the application;

(B) is received by the Secretary after June 22, 2016; and

(C) states that the Indian tribe is requesting to participate in the project.

(d) Duration

The project—

(1) shall remain in effect for a period of 10 years after June 22, 2016; but

(2) may be extended at the discretion of the Secretary.

(Pub. L. 114-178, title II, §203, June 22, 2016, 130 Stat. 433.)

§ 5613. Indian trust asset management plan**(a) Proposed plan****(1) Submission**

After the date on which an Indian tribe receives a notice from the Secretary under section 5612(b)(2) of this title, the Indian tribe shall submit to the Secretary a proposed Indian trust asset management plan in accordance with paragraph (2).

(2) Contents

A proposed Indian trust asset management plan shall include provisions that—

(A) identify the trust assets that will be subject to the plan;

(B) establish trust asset management objectives and priorities for Indian trust assets that are located within the reservation, or otherwise subject to the jurisdiction, of the Indian tribe;

(C) allocate trust asset management funding that is available for the Indian trust assets subject to the plan in order to meet the trust asset management objectives and priorities;

(D) if the Indian tribe has contracted or compacted functions or activities under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)¹ relating to the management of trust assets—

(i) identify the functions or activities that are being or will be performed by the Indian tribe under the contracts, compacts, or other agreements under that Act, which may include any of the surface leasing or forest land management activities authorized by the proposed plan pursuant to section 5614(b) of this title; and

(ii) describe the practices and procedures that the Indian tribe will follow;

(E) establish procedures for nonbinding mediation or resolution of any dispute between the Indian tribe and the United States relating to the trust asset management plan;

(F) include a process for the Indian tribe and the Federal agencies affected by the trust asset management plan to conduct evaluations to ensure that trust assets are being managed in accordance with the plan; and

(G) identify any Federal regulations that will be superseded by the plan.

(3) Technical assistance and information

On receipt of a written request from an Indian tribe, the Secretary shall provide to the

¹ See References in Text note below.