

eral 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 [now 25 U.S.C. 5101–5129]), as amended by the Act of August 26 [28], 1937 (50 Stat. 862, 863; 25 U.S.C. 463 [now 25 U.S.C. 5103]) [this section], are hereby repealed, all tribal lands within the Papago Indian Reservation are hereby withdrawn from all forms of exploration, location, and entry under such laws, the minerals underlying such lands are hereby made a part of the reservation to be held in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.”

§ 5104. Exchanges of land

For the purpose of effecting land consolidations between Indians and non-Indians within the reservation, the Secretary of the Interior is authorized, under such rules and regulations as he may prescribe, to acquire through purchase, exchange, or relinquishment, any interest in lands, water rights, or surface rights to lands within said reservation. Exchanges of lands hereunder shall be made on the basis of equal value and the value of improvements on lands to be relinquished to the Indians or by Indians to non-Indians shall be given due consideration and allowance made therefor in the valuation of lieu lands. This section shall apply to tribal, trust, or otherwise restricted Indian allotments whether the allottee be living or deceased.

(Aug. 10, 1939, ch. 662, § 2, 53 Stat. 1351.)

CODIFICATION

Section was formerly classified to section 463e of this title prior to editorial reclassification and renumbering as this section.

§ 5105. Title to lands

Title to lands or any interest therein acquired pursuant to this Act for Indian use shall be taken in the name of the United States of America in trust for the tribe or individual Indian for which acquired.

(Aug. 10, 1939, ch. 662, § 3, 53 Stat. 1351.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 10, 1939, ch. 662, 53 Stat. 1351, which is classified principally to sections 5104 to 5106 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 463f of this title prior to editorial reclassification and renumbering as this section.

§ 5106. Use of funds appropriated under section 5108

For the purpose of carrying into effect the land-purchase provision of this Act, the Sec-

retary of the Interior is authorized to use so much as may be necessary of any funds heretofore or hereafter appropriated pursuant to section 5108 of this title.

(Aug. 10, 1939, ch. 662, § 4, 53 Stat. 1351.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 10, 1939, ch. 662, 53 Stat. 1351, which is classified principally to sections 5104 to 5106 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 463g of this title prior to editorial reclassification and renumbering as this section.

§ 5107. Transfer and exchange of restricted Indian lands and shares of Indian tribes and corporations

Except as provided in this Act, 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 under this Act shall be made or approved: *Provided*, 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: *Provided further*, That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 25 U.S.C. 2201 note), lands and shares described in the preceding proviso shall descend or be devised to any member of an Indian tribe or corporation described in that proviso or to an heir or lineal descendant of such a member in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), including a tribal probate code approved, or regulations promulgated under, that Act: *Provided further*, That the Secretary of the Interior may authorize any voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in the judgment of the Secretary, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

(June 18, 1934, ch. 576, § 4, 48 Stat. 985; Pub. L. 96–363, § 1, Sept. 26, 1980, 94 Stat. 1207; Pub. L. 106–462, title I, § 106(c), Nov. 7, 2000, 114 Stat. 2007; Pub. L. 108–374, § 6(d), Oct. 27, 2004, 118 Stat. 1805; Pub. L. 109–157, § 8(b), Dec. 30, 2005, 119 Stat. 2952; Pub. L. 109–221, title V, § 501(b)(1), May 12, 2006, 120 Stat. 343.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 18, 1934, ch. 576, 48 Stat. 984, popularly known as the Indian Reorganization Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5101 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, which is classified generally to chapter 24 (§ 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.

CODIFICATION

Section was formerly classified to section 464 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2006—Pub. L. 109-221 amended section catchline and text generally. Prior to amendment, text related to transfer and exchange of restricted Indian land and shares of Indian tribes and corporations.

2005—Pub. L. 109-157 amended section catchline and text generally. Prior to amendment, text related to transfer of restricted Indian lands or shares in assets of Indian tribes or corporation and exchange of lands.

2004—Pub. L. 108-374, §6(d)(1), (2), in first proviso, struck out “, 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,” after “descend or be devised” and “, except as provided by the Indian Land Consolidation Act, any other Indian person for whom the Secretary of the Interior determines that the United States may hold land in trust:” after “lineal descendants of such member or”.

Pub. L. 108-374, §6(d)(3), which directed insertion of “in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act):” in first proviso without specifying where the insertion was to be made, was executed by making the insertion at end of first proviso, to reflect the probable intent of Congress.

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.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-221 effective as if included in the enactment of Pub. L. 108-374, see section 501(c) of Pub. L. 109-221, set out as a note under section 348 of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-157, §9, Dec. 30, 2005, 119 Stat. 2953, provided that: “The amendments made by this Act [amending this section, sections 2204 to 2206, 2212, 2214, and 2216 of this title and provisions set out as a note under section 2201 of this title] shall be effective as if included in the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; Public Law 108-374).”

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-374 applicable on and after the date that is 1 year after June 20, 2005, see section 8(b) of Pub. L. 108-374, set out as a Notice; Effective Date of 2004 Amendment note under section 2201 of this title.

§ 5108. 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.)¹ 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, §5, 48 Stat. 985; Pub. L. 100-581, title II, §214, Nov. 1, 1988, 102 Stat. 2941.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 18, 1934, ch. 576, 48 Stat. 984, popularly known as the Indian Reorganization Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5101 of this title and Tables.

Act of July 28, 1955, referred to in text, is act July 28, 1955, ch. 423, 69 Stat. 392, which was classified to sections 608 to 608c of this title prior to omission from the Code as being of special and not general application.

CODIFICATION

Section was formerly classified to section 465 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1988—Pub. L. 100-581 inserted “or the Act of July 28, 1955 (69 Stat. 392), as amended (25 U.S.C. 608 et seq.)” after “this Act”.

§ 5109. 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, §6, 48 Stat. 986.)

¹ See References in Text note below.