

CODIFICATION

Section is comprised of section 3(a) of Pub. L. 94-114. Section 3(b) of Pub. L. 94-114 repealed section 2 of Pub. L. 92-480, which related to claims offset involving the Stockbridge Munsee Indian Community and was not classified to the Code. Section 3(c) of Pub. L. 94-114 amended section 5 of Pub. L. 92-488, which related to claims offset involving the Burns Indian Colony and was not classified to the Code.

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

§ 5504. Existing rights of possession, contract, interest, etc.

(a) Preservation; force and effect of mineral leases; rejection of pending applications for leases and return of advance rental payments

Nothing in this chapter shall deprive any person of any existing valid right of possession, contract right, interest, or title he may have in the land involved, or of any existing right of access to public domain lands over and across the land involved, as determined by the Secretary of the Interior. All existing mineral leases, including oil and gas leases, which may have been issued or approved pursuant to section 5 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915) [30 U.S.C. 354], or the Mineral Leasing Act of 1920 (41 Stat. 437) [30 U.S.C. 181 et seq.], as amended prior to October 17, 1975, shall remain in force and effect in accordance with the provisions thereof. All applications for mineral leases, including oil and gas leases, pursuant to such Acts, pending on October 17, 1975, and covering any of the minerals conveyed by sections 5501 and 5503 of this title shall be rejected and the advance rental payments returned to the applicants.

(b) Administration of lands

Subject to the provisions of subsection (a) of this section, the property conveyed by this chapter shall hereafter be administered in accordance with the laws and regulations applicable to property held in trust by the United States for Indian tribes, including but not limited to sections 396a to 396g of this title.

(Pub. L. 94-114, § 4, Oct. 17, 1975, 89 Stat. 578.)

REFERENCES IN TEXT

The Mineral Leasing Act of 1920, referred to in subsection (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 459c of this title prior to editorial reclassification and renumbering as this section.

§ 5505. Gross receipts from conveyed lands

(a) Deposit to credit of tribe; nonapplicability

Any and all gross receipts derived from, or which relate to, the property conveyed by this chapter, the Act of July 20, 1956 (70 Stat. 581), the Act of August 2, 1956 (70 Stat. 941), the Act of October 9, 1972 (86 Stat. 795), and section 1 of

the Act of October 13, 1972 (86 Stat. 806) which were received by the United States subsequent to its acquisition by the United States under the statutes cited in section 5501 of this title and prior to such conveyance, from whatever source and for whatever purpose, including but not limited to the receipts in the special fund of the Treasury as required by section 6 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915) [30 U.S.C. 355], shall as of October 17, 1975, be deposited to the credit of the Indian tribe receiving such land and may be expended by the tribe for such beneficial programs as the tribal governing body may determine: *Provided*, That this section shall not apply to any such receipts received prior to October 17, 1975, from the leasing of public domain minerals which were subject to the Mineral Leasing Act of 1920 (41 Stat. 437) [30 U.S.C. 181 et seq.], as amended and supplemented.

(b) Administration of gross receipts

All gross receipts (including but not limited to bonuses, rents, and royalties) hereafter derived by the United States from any contract, permit or lease referred to in section 5504(a) of this title, or otherwise, shall be administered in accordance with the laws and regulations applicable to receipts from property held in trust by the United States for Indian tribes.

(Pub. L. 94-114, § 5, Oct. 17, 1975, 89 Stat. 579.)

REFERENCES IN TEXT

Act of July 20, 1956, referred to in subsection (a), is act July 20, 1956, ch. 645, 70 Stat. 581, which was set out as a note under former section 465 of this title and was omitted from the Code as being of special and not general application.

Act of August 2, 1956, referred to in subsection (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 subsection (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 subsection (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 subsection (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 de-

nying 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

(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—

¹ See References in Text note below.