

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

Editorial Notes

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.

CODIFICATION

Section was formerly classified to section 479 of this title prior to editorial reclassification and renumbering as this section.

Executive Documents

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.

§ 5130. Definitions

For the purposes of this title:¹

(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 5131 of this title.

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

Editorial Notes

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 5131 of this title, and provisions set out as a note below. For complete classification of this title to the Code, see Short Title of 1994 Amendment note set out under section 5101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 479a of this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of this section and section 5131 of this title as the “Federally Recognized Indian Tribe List Act of 1994”, see section 101 of Pub. L. 103-454, set out as a note under section 5101 of this title.

CONGRESSIONAL FINDINGS

Pub. L. 103-454, title I, §103, Nov. 2, 1994, 108 Stat. 4791, provided that: “The Congress finds that—

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

¹ See References in Text note below.

“(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.”

§ 5131. Publication of list of recognized tribes

(a) Publication of list

The Secretary shall publish in the Federal Register a list of all Indian tribes which the Secretary recognizes to be eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(b) Frequency of publication

The list shall be published within 60 days of November 2, 1994, and annually on or before every January 30 thereafter.

(Pub. L. 103-454, title I, §104, Nov. 2, 1994, 108 Stat. 4792.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 479a-1 of this title prior to editorial reclassification and renumbering as this section.

§ 5132. Indians eligible for loans

On and after May 10, 1939, no individual of less than one-quarter degree of Indian blood shall be eligible for a loan from funds made available in accordance with the provisions of the Act of June 18, 1934 (48 Stat. 986) [25 U.S.C. 5101 et seq.], and the Act of June 26, 1936 (49 Stat. 1967).

(May 10, 1939, ch. 119, §1, 53 Stat. 698.)

Editorial Notes

REFERENCES IN TEXT

Act of June 18, 1934, 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 June 26, 1936, referred to in text, is act June 26, 1936, ch. 831, 49 Stat. 1967, popularly known as the Oklahoma Welfare Act, which was classified generally to subchapter VIII (§501 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 45A (§5201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5201 of this title and Tables. Provisions of the Act relating to the revolving fund appear in section 5206 of this title.

CODIFICATION

Section was formerly classified to section 480 of this title prior to editorial reclassification and renumbering as this section.

§ 5133. Revolving fund; loans; regulations

The Secretary of the Interior, or his designated representative, is authorized, under such regulations as the Secretary may prescribe, to make loans from the revolving fund established pursuant to the Acts of June 18, 1934 (48 Stat. 984) [25 U.S.C. 5101 et seq.], and June 26, 1936 (49 Stat. 1967), to tribes, bands, groups, and individual Indians, not otherwise eligible for loans under said Acts: *Provided*, That no portion of these funds shall be loaned to Indians of less than one-quarter Indian blood.

(May 7, 1948, ch. 266, 62 Stat. 211.)

Editorial Notes

REFERENCES IN TEXT

Act of June 18, 1934, 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. Provisions of the Act establishing the revolving fund are set out in section 5113 of this title. 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 June 26, 1936, referred to in text, is act June 26, 1936, ch. 831, 49 Stat. 1967, popularly known as the Oklahoma Welfare Act, which was classified generally to subchapter VIII (§501 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 45A (§5201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5201 of this title and Tables. Provisions of the Act relating to the revolving fund appear in section 5206 of this title.

Funds in the revolving fund authorized by these Acts, and certain other sums, to be administered after Apr. 12, 1974, as a single Indian Revolving Loan Fund, see section 1461 of this title.

CODIFICATION

Section was formerly classified to section 482 of this title prior to editorial reclassification and renumbering as this section.

§ 5134. Sale of land by individual Indian owners

The Secretary of the Interior, or his duly authorized representative, is authorized in his discretion, and upon application of the Indian owners, to issue patents in fee, to remove restrictions against alienation, and to approve conveyances, with respect to lands or interests in lands held by individual Indians under the provisions of the Act of June 18, 1934 (48 Stat. 984) [25 U.S.C. 5101 et seq.], or the Act of June 26, 1936 (49 Stat. 1967).

(May 14, 1948, ch. 293, 62 Stat. 236.)

Editorial Notes

REFERENCES IN TEXT

Act of June 18, 1934, 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.

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CODIFICATION

Section was formerly classified to section 483 of this title prior to editorial reclassification and renumbering as this section.

§ 5135. Mortgages and deeds of trust by individual Indian owners; removal from trust or restricted status; application to Secretary

(a) The individual Indian owners of any land which either is held by the United States in trust for them or is subject to a restriction against alienation imposed by the United States are authorized, subject to approval by the Secretary of the Interior, to execute a mortgage or deed of trust to such land. Such land shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the tribe which has jurisdiction over such land or, in the case where no tribal foreclosure law exists, in accordance with the laws of the State or Territory in which the land is located. For the purpose of any foreclosure or sale proceeding the Indian owners shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the proceeding, and any conveyance of the land pursuant to the proceeding shall divest the United States of title to the land. All mortgages and deeds of trust to such land heretofore approved by the Secretary of the Interior are ratified and confirmed.

(b) In the event such land is acquired by an Indian or an Indian tribe, such land shall not be removed from trust or restricted status except upon application to the Secretary under existing law.

(Mar. 29, 1956, ch. 107, 70 Stat. 62; Pub. L. 98-608, §2, Oct. 30, 1984, 98 Stat. 3173; Pub. L. 101-644, title III, §301(c), Nov. 29, 1990, 104 Stat. 4667.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 483a of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-644 inserted “tribe which has jurisdiction over such land or, in the case where no tribal foreclosure law exists, in accordance with the laws of the” before “State” in second sentence.

1984—Pub. L. 98-608 designated existing provisions as subsec. (a) and added subsec. (b).