
Indian Reorganization Act, showing significant amendatory changes.

Black font = original text. Remains unamended

Green text = added amendatory text

Red text = text struck out of the act

Blue text = not part of the act but indicates sources of amendatory changes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter 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.

SEC. 2.

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

SEC. 3.

The Secretary of the Interior, if he shall find it to be in the public interest, is hereby 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public-land laws of the United States: *Provided, however,* That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: *Provided further,* That this section shall not apply to lands within any reclamation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: ~~*Provided further, That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: Provided further, That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said improvements: Provided further, That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe: Provided further, That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of \$1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the*~~

~~loss or occupancy of the lands withdrawn by the requirements of mining operations: *Provided further*, That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of \$1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired. Repealed by the Act of May 27, 1955, ch. 106, Sec. 1, 69 Stat. 67~~

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. Added by Act of August 28, 1937, ch. 866, 50 Stat. 862

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; ~~and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).~~² Struck out by Act of May 27, 1955, ch. 106, Sec. 1, 69 Stat. 67

SEC. 4.

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 (added by Public Law 96-363, Sec. 1, Sept. 26, 1980, 94 Stat. 1207) of such member or, except as provided by the Indian Land Consolidation Act, any other person for whom the Secretary of the Interior determines that the United States may hold land in trust (added by Public Law 106-462, title I, Sec. 106(c), Nov. 7, 2000, 114 Stat. 2207): *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.

SEC. 5.

The Secretary of the Interior is hereby 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 hereby 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 and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S. 2499 and H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2531 and H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become 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 \(Added by Public Law 100-581, title II, sec. 214, Nov. 1, 1988\)](#) 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.

SEC. 6.

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.

SEC. 7.

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.

SEC. 8.

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.

SEC. 9.

There is hereby 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.

SEC. 10.

There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of ~~\$10,000,000~~ \$20,000,000 (substituted by Public Law 87-250, Sept 15, 1961, 75 Stat. 520) 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. ~~A report shall be made annually to Congress of transactions under this authorization.~~ (Repealed by Public Law 86-533, Sec. 1 (16), June 29, 1960, 74 Stat. 248)

Subsection/provision added: “Sec. 470a – Interest charges covered into revolving fund.

Interest or other charges heretofore or hereafter collected on loans shall be credited to the revolving fund created by section 470 of this title and shall be available for the establishment of a revolving fund for the purpose of making and administering loans to Indian-chartered corporations in accordance with the Act of June 18, 1934 (48 Stat. 986) (25 U.S.C. 461 et seq.), and of making and administering loans to individual Indians and to associations or corporate groups of Indians of Oklahoma in accordance with the Act of June 26, 1936 (49 Stat. 1967) (25 U.S.C. 501 et seq.) (Added by Act of June 28, 1941, ch. 259, Sec. 1, 55 Stat. 316)

SEC. 11.

There is hereby 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.

SEC. 12.

The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, 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.

SEC. 13.

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, shall apply to the Territory of Alaska: *Provided*, That Sections ~~2, 4, 4~~ (substituted by Public Law 101-301, Sec. 3(b), May 24, 1990, 104 Stat. 207) 7, 16, 17, and 18 of this Act 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 shall not apply to the Indians of the Klamath Reservation in Oregon.

*Subsection/provision added: Sec. 473a – Application to Alaska - Sections 461, 465, 467, 468, 475, 477, and 479 of this title shall after May 1, 1936, apply to the Territory of Alaska: *Provided*, That groups of Indians in Alaska not recognized prior to May 1, 1936, as bands or tribes, but having a common bond of occupation, or association, or residence within a well-defined neighborhood, community, or rural district, may organize to adopt constitutions and bylaws and to receive charters of incorporation and Federal loans under sections 470, 476, and 477 of this title. (Added by Act of May 1, 1936, ch. 254, Sec. 1, 49 Stat. 1250.)*

SEC. 14.

The Secretary of the Interior is hereby 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 (35) 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 time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

SEC. 15.

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 hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

SEC. 16. (Amended generally by Public Law 100-581, title I, Sec. 101, Nov. 1, 1988, 102 Stat. 2938)

(a) Adoption; effective date

Any Indian tribe, ~~or tribes, residing on the same reservation,~~ 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, or of the adult Indians residing on such reservation, as the case may be,~~ at a special election authorized and called by the Secretary of the Interior under such rules and regulations as ~~he~~ the Secretary may prescribe; and
- (2) approved by the Secretary pursuant to subsection (d) of this section.

(b) Revocation

Any ~~Such~~ constitution and bylaws ~~when~~ ratified ~~as aforesaid~~ and approved by the Secretary ~~of the Interior~~ shall be revocable by an election open to the same voters and conducted in the same manner as ~~hereinabove~~ provided in subsection (a) of this section for the adoption of a constitution or bylaws. ~~Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and 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, ~~the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior~~ (struck out by Public Law 106-179, Sec. 3, Mar. 14, 2000, 114 Stat. 47); 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 ~~G~~governments. The Secretary ~~of the Interior~~ 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 ~~Bureau of the~~ 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. (Added by Public Law 103-263, Sec. 5(b), May 31, 1994, 108 Stat. 709)

(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 (Added by Public Law 103-263, Sec. 5(b), May 31, 1994, 108 Stat. 709)

SEC. 17.

The Secretary of the Interior may, upon petition by ~~at least one third of the adult Indians~~ **any tribe** (substituted by Public Law 101-301, Sec. 3(c), May 24, 1990, 104 Stat. 207), issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified ~~at a special election by a majority vote of the adult Indians living on the reservation~~ **by the governing body of such tribe** (substituted by Public Law 101-301, Sec. 3(c), May 24, 1990, 104 Stat. 207). 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 ~~ten years any of the land~~ **25 years any trust or restricted lands** (substituted by Public Law 101-301, Sec. 3(c), May 24, 1990, 104 Stat. 207) included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

SEC. 18.

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 the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

Sec. 478-1. - Mandatory application of sections 462 and 477 (Corresponding to sections 2 and 18 in the original IRA)

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 (Added by Public Law 101-103, Sec. 3(a), May 24, 1990, 104 Stat. 207)

Sec. 478a. - Procedure

In any election heretofore or hereafter held under the Act of June 18, 1934 (48 Stat. 984) (25 U.S.C. 461 et seq.), on the question of excluding a reservation from the application of the said Act or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adoption, or ratification, as the case may be: Provided, however, That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote (Added by Act of June 15, 1935, ch. 260, Sec. 1, 49 Stat. 378)

Sec. 478b. - Application of laws and treaties

All laws, general and special, and all treaty provisions affecting any Indian reservation which has voted or may vote to exclude itself from the application of the Act of June 18, 1934 (48 Stat. 984) (25 U.S.C. 461 et seq.), shall be deemed to have been continuously effective as to such reservation, notwithstanding the passage of said Act of June 18, 1934. Nothing in the Act of June 18, 1934, shall be construed to abrogate or impair any rights guaranteed under any existing treaty with any Indian tribe, where such tribe voted not to exclude itself from the application of said Act (Added by the Act of June 15, 1935, ch. 260, Sec. 4, 49 Stat. 378)

SEC. 19.

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.

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 (Added by Public Law 103-454, title I, Sec. 102, Nov. 2, 1994, 108 Stat. 4791)

Approved, June 18, 1934.

(Remaining sections are not amendments to the original IRA, but are additions to it as it is codified in title 25)

Sec. 480. - Indians eligible for loans (Act of May 10, 1939, ch. 119, Sec. 1, 53 Stat. 698)

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. 461 et seq.), and the Act of June 26, 1936 (49 Stat. 1967) (25 U.S.C. 501 et seq.)

Sec. 482. - Revolving fund; loans; regulations (Act of May 7, 1948, ch. 266, 62 Stat. 211)

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. 461 et seq.), and June 26, 1936 (49 Stat. 1967) (25 U.S.C. 501 et seq.), 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

Sec. 483. - Sale of land by individual Indian owners (Act of May 14, 1948, ch. 293, 62 Stat. 236)

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. 461 et seq.), or the Act of June 26, 1936 (49 Stat. 1967) (25 U.S.C. 501 et seq.)

Sec. 483a. - Mortgages and deeds of trust by individual Indian owners; removal from trust or restricted status; application to Secretary (Act of Mar. 29, 1956, ch. 107, 70 Stat. 62)

(a) (Added by Public Law 98-608, Sec. 2, Oct. 30, 1984, 98 Stat. 3173) 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** (Added by Public Law 101-644, title III, Sec. 301(c), Nov. 29, 1990, 104 Stat. 4667) 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** (Added by Public Law 98-608, Sec. 2, Oct. 30, 1984, 98 Stat. 3173)

Sec. 484. - Conversion of exchange assignments of tribal lands on certain Sioux reservations into trust titles; trust and tax exemption (Act of July 14, 1954, ch. 472, Sec. 1, 68 Stat. 467)

From and after July 14, 1954, each grant of exchange assignment of tribal lands on the Cheyenne River Sioux Reservation and the Standing Rock Sioux Reservation shall have the same force and effect, and shall confer the same rights, including all timber, mineral, and water rights now vested in or held by the Cheyenne River Sioux Tribe or the Standing Rock Sioux Tribe, upon the holder or holders thereof, that are conveyed by a trust patent issued pursuant to section 348 of this title, as supplemented, except that the period of trust and tax exemption shall continue until otherwise directed by Congress

Sec. 485. - Payment to assignment holders of moneys collected for use of subsurface rights (Act of July 14, 1954, ch. 472, Sec. 2, 68 Stat. 468)

The Cheyenne River Sioux Tribe and the Standing Rock Sioux Tribe are authorized to pay to each holder of an exchange assignment of tribal lands all moneys collected by the tribe for the lease or use of subsurface rights in such lands

Sec. 486. - Regulations (Act of July 14, 1954, ch. 472, Sec. 3, 68 Stat. 468)

The Secretary of the Interior is authorized to prescribe such regulations as may be necessary to carry out the provisions of sections 484 to 486 of this title

Sec. 487. - Spokane Indian Reservation; consolidations of land (Public Law 90-335, Sec. 1 (a)-(e), June 10, 1968, 82 Stat. 174; amended by Public Law 93-286, May 21, 1974, 88 Stat. 142)

(a) Purchase, sale, and exchange

For the purpose of effecting consolidations of land situated within the Spokane Indian Reservation in the State of Washington into the ownership of the tribe and of individual tribal members and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal lands, the Secretary of the Interior is authorized in his discretion to:

- (1) Purchase for the Spokane Tribe of Indians with any funds of such tribe and to otherwise acquire by gift, exchange, or relinquishment any lands or interest in lands or improvements thereon within the Spokane Indian Reservation.
- (2) Sell or approve sales of any tribal trust lands, any interest therein or improvements thereon.
- (3) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands situated within such reservation.

(b) Individual Indian trust lands

The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands held in multiple ownership to the Spokane Tribe or to individual members thereof if the sale or exchange is authorized in writing by owners of at least a majority interest in such lands; except that no greater percentage of approval of individual Indians shall be required under this Act than in any other statute of general application approved by Congress.

(c) Nontaxability

Title to lands, or any interests therein, acquired pursuant to this Act for the Spokane Tribe or individual enrolled members thereof, shall be taken in the name of the United States of America in trust for the tribe or individual Indian, and shall

be nontaxable as other tribal and allotted Indian trust lands of the Spokane Reservation.

(d) Lands held by mortgage or deed of trust

That any tribal land that may be sold pursuant to this Act may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust and shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed of trust in accordance with the laws of the State of Washington. The United States shall be an indispensable party to any such proceeding with the right of removal of the clause to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28: Provided, That the United States shall have the right to appeal from any order of remand in the case.

(e) Acquisition and sale procedures; land purchase and consolidation program

The acquisition and sale of lands for the Spokane Tribe pursuant to this Act shall be upon request of the business council of the Spokane Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a land purchase and consolidation plan approved by the Secretary of the Interior, and except as it may otherwise be authorized or prescribed by the Secretary, shall be limited to lands situated within the boundary of the Spokane Reservation. Such acquisition by the Spokane Tribe, or individual members thereof, may be achieved by exchange of lands with Indians or non-Indians as well as outright purchase, with adjusting payments to approximate equal value. Moneys or credits received by the tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land purchase and consolidation program, approved by the Secretary of the Interior

Sec. 488. - Agricultural loans to acquire land within reservations (Public Law 91-229, Sec. 1, Apr. 11, 1970, 84 Stat. 120)

The Secretary of Agriculture is authorized to make loans from the Farmers Home Administration Direct Loan Account created by section 1988(c) ¹¹¹ of title 7, and to make and insure loans as provided in sections 1928 ¹¹¹ and 1929 of title 7, to any Indian tribe recognized by the Secretary of the Interior or tribal corporation established pursuant to the Indian Reorganization Act (25 U.S.C. 477), which does not have adequate uncommitted funds, to acquire lands or interests therein within the tribe's reservation as determined by the Secretary of the Interior, or within a community in Alaska incorporated by the Secretary pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), for use of the tribe or the corporation or the members of either. Such loans shall be limited to such Indian tribes or tribal corporations as have reasonable prospects of success in their proposed operations and as are unable to obtain sufficient credit elsewhere at reasonable rates and terms to finance the purposes authorized in sections 488 to 494 of this title.

Sec. 489. - Title in trust to United States (Public Law 91-229, Sec. 2, Apr. 11, 1970, 84 Stat. 120)

Title to land acquired by a tribe or tribal corporation with a loan made or insured pursuant to sections 488 to 494 of this title may, with the approval of the Secretary of the Interior, be taken by the United States in trust for the tribe or tribal corporation

Sec. 490. - Tribal rights and privileges in connection with loans (Public Law 91-229, Sec. 3, Apr. 11, 1970, 84 Stat. 120)

A tribe or tribal corporation to which a loan is made or insured pursuant to sections 488 to 494 of this title

- (1) may waive in writing any immunity from suit or liability which it may possess,
- (2) may mortgage or otherwise hypothecate trust or restricted property if
 - (a) authorized by its constitution or charter or by a tribal referendum, and
 - (b) approved by the Secretary of the Interior, and
 - (3) shall comply with rules and regulations prescribed by the Secretary of Agriculture in connection with such loans

Sec. 491. - Mortgaged property governed by State law (Public Law 91-229, Sec. 4, Apr. 11, 1970, 84 Stat. 120)

Trust or restricted tribal or tribal corporation property mortgaged pursuant to sections 488 to 494 of this title shall be subject to foreclosure and sale or conveyance in lieu of foreclosure, free of such trust or restrictions, in accordance with the laws of the State in which the property is located

Sec. 492. - Interest rates and taxes (Public Law 91-229, Sec. 5, Apr. 11, 1970, 84 Stat. 120)

Loans made or insured pursuant to sections 488 to 494 of this title will be subject to the interest rate provisions of section 307(a)(**3**)(**B**) (added by Public Law 101-624, title XVIII, Sec. 1854(a), Nov. 28, 1990, 104 Stat. 3837) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1927(a)(3)(B)), and to the provisions of subtitle D of that Act (7 U.S.C. 1981 et seq.) except sections 340 (7 U.S.C. 1990), 341, 342 (7 U.S.C. 1013a), and 343 (7 U.S.C. 1991) thereof: Provided, That section 334 (7 U.S.C. 1984) thereof shall not be construed to subject to taxation any lands or interests therein while they are held by an Indian tribe or tribal corporation or by the United States in trust for such tribe or tribal corporation pursuant to sections 488 to 494 of this title

Sec. 493. - Reduction of unpaid principal (Public Law 91-229, Sec. 6, as added Public Law 101-82, title III, Sec. 303, Aug. 14, 1989, 103 Stat. 583)

(a) In general

The Secretary of Agriculture may, on the application of the borrower of a loan or loans made under sections 488 to 494 of this title, reduce the unpaid principal balance of such loan or loans to the current fair market value of the land purchased with the proceeds of the loan or loans if -

- (1) the fair market value of the land has declined by at least 25 percent since such land was purchased by the borrower;
- (2) the land has been held by the borrower for a period of at least 5 years; and
- (3) the Secretary of the Interior finds that the borrower has insufficient income to both repay the loan or loans and provide normal tribal governmental services.

(b) Fair market value

(1) Appraisal

Current fair market value under subsection (a) of this section shall be determined through an appraisal by an independent qualified fee appraiser, selected by mutual agreement between the borrower and the Secretary of Agriculture.

(2) Costs

The cost of appraisals undertaken under paragraph (1) shall be paid by the borrower.

(c) Appeals

Decisions of the Secretary of Agriculture under this section shall be appealable in accordance with the provisions of section 333B ¹¹¹ of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b).

(d) Future applications

A borrower that had a loan or loans reduced under this section shall not submit an application for another reduction on such loan or loans for a period of 5 years after the initial reduction

Sec. 494. - Authorization of appropriations (Public Law 91-229, Sec. 6, as added Public Law 101-624, title XVIII, Sec. 1854(b), Nov. 28, 1990, 104 Stat. 3837)

There are authorized to be appropriated to carry out sections [488](#) to [494](#) of this title.