

(2) Tribe not treated as party to lease; no effect on tribal sovereignty, immunity

(A) In general

Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) of this section is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

(B) Application of lease

The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(e) Distribution of proceeds

(1) In general

The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) of this section shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

(2) Determination of amounts distributed

The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

(f) Rule of construction

Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.), title II of the Indian Land Consolidation Act Amendments of 2000, or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

(g) Other laws

Nothing in this chapter shall be construed to supersede, repeal, or modify any general or specific statute authorizing the grant or approval of any type of land use transaction involving fractional interests in trust or restricted land.

(Pub. L. 97-459, title II, §219, as added Pub. L. 106-462, title I, §103(6), Nov. 7, 2000, 114 Stat. 2004; amended Pub. L. 108-374, §6(a)(10), (11), Oct. 27, 2004, 118 Stat. 1804.)

REFERENCES IN TEXT

The American Indian Agricultural Resources Management Act, referred to in subsec. (f), probably means the American Indian Agricultural Resource Management Act, Pub. L. 103-177, Dec. 3, 1993, 107 Stat. 2011, as amended, which is classified generally to chapter 39 (§3701 et seq.) of this title. For complete classification

of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

The Indian Land Consolidation Act Amendments of 2000, referred to in subsec. (f), is Pub. L. 106-462, Nov. 7, 2000, 114 Stat. 1991. Title II of the Act enacted provisions classified as a note under section 396 of this title. For complete classification of this Act to the Code, see Short Title of 2000 Amendment note set out under section 2201 of this title and Tables.

This chapter, referred to in subsec. (g), was in the original “this Act”, which was translated as reading “this title”, meaning title II of Pub. L. 97-459, to reflect the probable intent of Congress.

AMENDMENTS

2004—Subsec. (b)(1)(A). Pub. L. 108-374, §6(a)(10), substituted “90” for “100”.

Subsec. (g). Pub. L. 108-374, §6(a)(11), added subsec. (g).

§ 2219. Application to Alaska

(a) Findings

Congress finds that—

(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

(b) Application of chapter to Alaska

Except as provided in this section, this chapter shall not apply to land located within Alaska.

(c) Rule of construction

Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.

(Pub. L. 97-459, title II, §220, as added Pub. L. 106-462, title I, §103(6), Nov. 7, 2000, 114 Stat. 2006.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, which was translated as reading “this title”, meaning title II of Pub. L. 97-459, to reflect the probable intent of Congress.

§ 2220. Owner-managed interests

(a) Purpose

The purpose of this section is to provide a means for the owner or co-owners of trust or restricted interests in a parcel of land to enter into surface leases of such parcel for certain purposes without approval of the Secretary.

(b) Mineral interests

Nothing in this section shall be construed to limit or otherwise affect the application of any Federal law requiring the Secretary to approve mineral leases or other agreements for the development of the mineral interest in trust or restricted land.

(c) Owner management

(1) In general

Notwithstanding any provision of Federal law requiring the Secretary to approve indi-

vidual Indian leases of individual Indian trust or restricted land, where the owners of all of the undivided trust or restricted interests in a parcel of land have submitted applications to the Secretary pursuant to subsection (a) of this section, and the Secretary has approved such applications under subsection (d) of this section, such owners may, without further approval by the Secretary, enter into a lease of the parcel for agricultural purposes for a term not to exceed 10 years.

(2) Rule of construction

No such lease shall be effective until it has been executed by the owners of all undivided trust or restricted interests in the parcel.

(d) Approval of applications for owner management

(1) In general

Subject to the provisions of paragraph (2), the Secretary shall approve an application for owner management submitted by a qualified applicant pursuant to this section unless the Secretary has reason to believe that the applicant is submitting the application as the result of fraud or undue influence. No such application shall be valid or considered if it is received by the Secretary prior to the date that is 1 year after the date on which notice is published pursuant to section 8(a)(4) of the American Indian Probate Reform Act of 2004.

(2) Commencement of owner-managed status

Notwithstanding the approval of 1 or more applications pursuant to paragraph (1), no trust or restricted interest in a parcel of land shall acquire owner-managed status until applications for all of the trust or restricted interests in such parcel of land have been submitted to and approved by the Secretary pursuant to this section.

(e) Validity of leases

No lease of trust or restricted interests in a parcel of land that is owner-managed under this section shall be valid or enforceable against the owners of such interests, or against the land, the interest or the United States, unless such lease—

(1) is consistent with, and entered into in accordance with, the requirements of this section; or

(2) has been approved by the Secretary in accordance with other Federal laws applicable to the leasing of trust or restricted land.

(f) Lease revenues

The Secretary shall not be responsible for the collection of, or accounting for, any lease revenues accruing to any interests under a lease authorized by subsection (e) of this section, so long as such interest is in owner-managed status under the provisions of this section.

(g) Jurisdiction

(1) Jurisdiction unaffected by status

The Indian tribe with jurisdiction over an interest in trust or restricted land that becomes owner-managed pursuant to this section shall continue to have jurisdiction over the interest to the same extent and in all re-

spects that such tribe had prior to the interest acquiring owner-managed status.

(2) Persons using land

Any person holding, leasing, or otherwise using such interest in land shall be considered to consent to the jurisdiction of the Indian tribe referred to in paragraph (1), including such tribe's laws and regulations, if any, relating to the use, and any effects associated with the use, of the interest.

(h) Continuation of owner-managed status; revocation

(1) In general

Subject to the provisions of paragraph (2), after the applications of the owners of all of the trust or restricted interests in a parcel of land have been approved by the Secretary pursuant to subsection (d) of this section, each such interest shall continue in owner-managed status under this section notwithstanding any subsequent conveyance of the interest in trust or restricted status to another person or the subsequent descent of the interest in trust or restricted status by testate or intestate succession to 1 or more heirs.

(2) Revocation

Owner-managed status of an interest may be revoked upon written request of the owners (including the parents or legal guardians of minors or incompetent owners) of all trust or restricted interests in the parcel, submitted to the Secretary in accordance with regulations adopted under subsection (l).¹ The revocation shall become effective as of the date on which the last of all such requests has been delivered to the Secretary.

(3) Effect of revocation

Revocation of owner-managed status under paragraph (2) shall not affect the validity of any lease made in accordance with the provisions of this section prior to the effective date of the revocation, provided that, after such revocation becomes effective, the Secretary shall be responsible for the collection of, and accounting for, all future lease revenues accruing to the trust or restricted interests in the parcel from and after such effective date.

(i) Defined terms

(1) For purposes of subsection (d)(1) of this section, the term "qualified applicant" means—

(A) a person over the age of 18 who owns a trust or restricted interest in a parcel of land; and

(B) the parent or legal guardian of a minor or incompetent person who owns a trust or restricted interest in a parcel of land.

(2) For purposes of this section, the term "owner-managed status" means, with respect to a trust or restricted interest, that—

(A) the interest is a trust or restricted interest in a parcel of land for which applications covering all trust or restricted interests in such parcel have been submitted to and approved by the Secretary pursuant to subsection (d) of this section;

¹ See References in Text note below.

(B) the interest may be leased without approval of the Secretary pursuant to, and in a manner that is consistent with, the requirements of this section; and

(C) no revocation has occurred under subsection (h)(2) of this section.

(j) Secretarial approval of other transactions

Except with respect to the specific lease transaction described in paragraph (1) of subsection (c) of this section, interests that acquire owner-managed status under the provisions of this section shall continue to be subject to all Federal laws requiring the Secretary to approve transactions involving trust or restricted land (including leases with terms of a duration in excess of 10 years) that would otherwise apply to such interests if the interests had not acquired owner-managed status under this section.

(k) Effect of section

Subject to subsections (c), (f), and (h) of this section, nothing in this section diminishes or otherwise affects any authority or responsibility of the Secretary with respect to an interest in trust or restricted land.

(Pub. L. 97-459, title II, §221, as added Pub. L. 108-374, §5, Oct. 27, 2004, 118 Stat. 1795; amended Pub. L. 110-453, title II, §207(e), Dec. 2, 2008, 122 Stat. 5033.)

REFERENCES IN TEXT

Section 8(a)(4) of the American Indian Probate Reform Act of 2004, referred to in subsec. (d)(1), is section 8(a)(4) of Pub. L. 108-374, which is set out as a note under section 2201 of this title.

Subsection (l), referred to in subsec. (h)(2), probably should be a reference to section 10 of Pub. L. 108-374, which is set out as a note under section 2201 of this title and relates to the adoption of regulations. This section does not contain a subsec. (l).

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-453 inserted “owner or” before “co-owners”.

§ 2221. Annual notice and filing; current whereabouts of interest owners

On at least an annual basis, the Secretary shall include along with other regular reports to owners of trust or restricted interests in land and individual Indian money account owners a change of name and address form by means of which the owner may confirm or update the owner’s name and address. The change of name and address form shall include a section in which the owner may confirm and update the owner’s name and address.

(Pub. L. 97-459, title II, §222, as added Pub. L. 108-374, §7, Oct. 27, 2004, 118 Stat. 1809.)

CHAPTER 25—OLD AGE ASSISTANCE CLAIMS SETTLEMENT

Sec.	
2301.	Definitions.
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2303.	Notice.
2304.	Identification of right to payment and expedited claim payment.
2305.	Discharge and barring of claims.
2306.	Authorization of appropriations.
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§ 2301. Definitions

For purposes of this chapter, the term—

(1) “Secretary” means the Secretary of the Interior;

(2) “unauthorized disbursement” means a disbursement made from the trust estate of a deceased Indian which was made by the Secretary to a State or a political subdivision of a State for the purpose of reimbursing the State or political subdivision for any old age assistance made to the deceased Indian before death in violation of Federal laws governing Indian trust property: *Provided*, That, except for purposes of section 2303 of this title, the term also includes the reimbursements for welfare payments identified in either the list published on April 17, 1985, at page 15290 of volume 50 of the Federal Register, as modified or amended on November 13, 1985, at page 46835 of volume 50 of the Federal Register, or the list published on March 31, 1983, at page 13698 of volume 48 of the Federal Register, as modified or amended on November 7, 1983, at page 51204 of volume 48 of the Federal Register; and

(3) “trust estate” means that portion of the estate that consists of real or personal property, title to which is held by the United States for the benefit of the Indian or which may not be alienated without the consent of the Secretary.

(Pub. L. 98-500, §2, Oct. 19, 1984, 98 Stat. 2317; Pub. L. 100-153, §5, Nov. 5, 1987, 101 Stat. 886.)

AMENDMENTS

1987—Par. (2). Pub. L. 100-153 inserted proviso that “unauthorized disbursement” includes specifically identified reimbursements for welfare payments.

SHORT TITLE

Section 1 of Pub. L. 98-500 provided: “That this Act [enacting this chapter] may be cited as the ‘Old Age Assistance Claims Settlement Act’.”

§ 2302. Payment of claims

(a) Authority of Secretary

The Secretary is authorized and directed to determine the portion of any unauthorized disbursement to which any individual under this chapter is entitled, and to pay to such individual the amount which the Secretary determines such individual to be entitled. Any payment under this provision shall include interest at a rate of 5 per centum per annum, simple interest, from the date on which such disbursement was made from the trust estate of the deceased Indian.

(b) Minimum amount for payment

No payment shall be made to a person under subsection (a) of this section with respect to any unauthorized disbursement from the trust estate of a deceased Indian if—

(1) the total amount of unauthorized disbursements from such trust estate was less than \$50; or

(2) the payment (not including interest) would be less than \$10.

(Pub. L. 98-500, §3, Oct. 19, 1984, 98 Stat. 2317; Pub. L. 100-581, title II, §201, Nov. 1, 1988, 102 Stat. 2939.)