

tribes with expertise in mineral development both in the initial formulation of rules and regulations and any future revision or amendment of such rules and regulations. Where there is pending before the Secretary for his approval a Minerals Agreement of the type authorized by section 2102 of this title which was submitted prior to December 22, 1982, the Secretary shall evaluate and approve or disapprove such agreement based upon section 2103 of this title, but shall not withhold or delay such approval or disapproval on the grounds that the rules and regulations implementing this chapter have not been promulgated.

(Pub. L. 97-382, § 8, Dec. 22, 1982, 96 Stat. 1940.)

**§ 2108. Tribal right to develop mineral resources**

Nothing in this chapter shall impair any right of an Indian tribe organized under section 16 or 17 of the Act of June 18, 1934 (48 Stat. 987), as amended [25 U.S.C. 476, 477], to develop their mineral resources as may be provided in any constitution or charter adopted by such tribe pursuant to that Act [25 U.S.C. 461 et seq.].

(Pub. L. 97-382, § 9, Dec. 22, 1982, 96 Stat. 1940.)

REFERENCES IN TEXT

Act of June 18, 1934, referred to in text, popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§ 461 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

**CHAPTER 24—INDIAN LAND CONSOLIDATION**

|       |                                                                                                                                               |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Sec.  |                                                                                                                                               |
| 2201. | Definitions.                                                                                                                                  |
| 2202. | Other applicable provisions.                                                                                                                  |
| 2203. | Adoption of land consolidation plan with approval of Secretary.                                                                               |
| 2204. | Purchase of trust or restricted or controlled lands at no less than fair market value; requisite conditions.                                  |
| 2205. | Tribal probate codes; acquisitions of fractional interests by tribes.                                                                         |
| 2206. | Descent and distribution.                                                                                                                     |
| 2207. | Full faith and credit to tribal actions under tribal ordinances limiting descent and distribution of trust or restricted or controlled lands. |
| 2208. | Conveyancing authority upon sale or exchange of tribal lands; removal of trust status of individually owned lands.                            |
| 2209. | Trusteeship title of United States for any Indian or Indian tribe.                                                                            |
| 2210. | Tax exemption.                                                                                                                                |
| 2211. | Governing body of tribe; construction of chapter as not vesting with authority not authorized by tribal constitution or by-laws.              |
| 2212. | Fractional interest acquisition program.                                                                                                      |
| 2213. | Administration of acquired fractional interests; disposition of proceeds.                                                                     |
| 2214. | Establishing fair market value.                                                                                                               |
| 2215. | Acquisition Fund.                                                                                                                             |
| 2216. | Trust and restricted land transactions.                                                                                                       |
| 2217. | Reports to Congress.                                                                                                                          |
| 2218. | Approval of leases, rights-of-way, and sales of natural resources.                                                                            |
| 2219. | Application to Alaska.                                                                                                                        |
| 2220. | Owner-managed interests.                                                                                                                      |
| 2221. | Annual notice and filing; current whereabouts of interest owners.                                                                             |

**§ 2201. Definitions**

For the purpose of this chapter—

(1) “Indian tribe” or “tribe” means any Indian tribe, band, group, pueblo, or community for which, or for the members of which, the United States holds lands in trust;

(2) “Indian” means—

(A) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of October 27, 2004) of a trust or restricted interest in land;

(B) any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder; and

(C) with respect to the inheritance and ownership of trust or restricted land in the State of California pursuant to section 2206 of this title, any person described in subparagraph (A) or (B) or any person who owns a trust or restricted interest in a parcel of such land in that State.<sup>1</sup>

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

(4)(i) “trust or restricted lands” means lands, title to which is held by the United States in trust for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation; and (ii) “trust or restricted interest in land” or “trust or restricted interest in a parcel of land” means an interest in land, the title to which interest is held in trust by the United States for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation.<sup>1</sup>

(5) “heirs of the first or second degree” means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.<sup>1</sup>

(6) “parcel of highly fractionated Indian land” means a parcel of land that the Secretary, pursuant to authority under a provision of this chapter, determines to have, as evidenced by the Secretary’s records at the time of the determination—

(A) 50 or more but less than 100 co-owners of undivided trust or restricted interests, and no 1 of such co-owners holds a total undivided trust or restricted interest in the parcel that is greater than 10 percent of the entire undivided ownership of the parcel; or

(B) 100 or more co-owners of undivided trust or restricted interests;

(7) the term “land” means any real property;

(8) “person” or “individual” means a natural person;

(9) “eligible heirs” means, for purposes of section 2206 of this title, any of a decedent’s children, grandchildren, great grandchildren, full siblings, half siblings by blood, and parents who are—

(A) Indian; or

(B) lineal descendants within 2 degrees of consanguinity of an Indian; or

(C) owners of a trust or restricted interest in a parcel of land for purposes of inheriting

<sup>1</sup> So in original. The period probably should be a semicolon.