

to the first hearing to probate the will, he or she has elected to take under section 3 of this Act and not under the will.

“SEC. 5. The provisions of this Act shall apply to all estates of decedents who die on or after the date of enactment of this Act [Apr. 18, 1978].”

CONVEYANCE OF LANDS TO STIMULATE INDUSTRIAL  
DEVELOPMENT

Pub. L. 85-186, Aug. 28, 1957, 71 Stat. 468, provided: “That, upon request of any Indian tribe, group, or corporate entity, and approval of the request by the Secretary of the Interior as provided in this Act, the Administrator of the General Services Administration is authorized to transfer, without cost to such Indian tribe, group, or corporate entity, title to any property of the United States at the McNary Dam townsite, Umatilla, Oregon, or at Pickstown, South Dakota, that is declared surplus pursuant to the Federal Property and Administrative Services Act of 1949 (Act of June 30, 1949; 63 Stat. 378), as amended [see chapters 1 to 11 of Title 40, Public Buildings, Property, and Works, and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of Title 41, Public Contracts]. Such property shall not be exempt from taxation because of the fact that title is held by the Indian tribe, group, or corporate entity.

“SEC. 2. The Secretary of the Interior shall approve a request for surplus property pursuant to this Act only if—

“(a) the Indian tribe, group, or corporate entity is organized under State or Federal law in a form satisfactory to the Secretary for the purpose of holding title to the property;

“(b) the surplus property is to be used to stimulate industrial development near the Indian tribe, band, group, or reservations;

“(c) the Indian tribe, group, or corporate entity has executed a contract with an industrial enterprise that is acceptable to the Secretary;

“(d) the contract between the Indian tribe, group, or corporate entity and the industrial enterprise contains such provisions as the Secretary deems desirable, including in substance the following:

“(1) Title to the property will remain in the Indian tribe, group, or corporate entity, and the property will be made available to the industrial enterprise at a rental fee commensurate with the purposes of this Act, which rental shall be paid to the United States Treasury.

“(2) The industrial enterprise will employ Indians in large enough numbers to justify, in the judgment of the Secretary, the purposes of this Act.

“(3) The industrial enterprise will agree to pay its employees fair and equitable wages commensurate with the general wage scale in the area.

“(4) The industrial enterprise will maintain the property in good repair, pay all taxes properly assessed against the property, and be responsible for the payment of all charges for utility services to the property.

“(5) At the end of the contract period the industry will have an option to purchase the property at its appraised price, as determined by the Secretary, the proceeds of such sale will revert to the United States Treasury.

“SEC. 3. Any transfer of title to surplus property pursuant to this Act shall provide for a reversion of title to the United States if the Secretary of the Interior finds that the property is not being used in accordance with the provisions of the Act.

“SEC. 4. The United States shall not be responsible for providing to the Indians who are employed in an industrial development pursuant to this Act community services that are normally furnished by State and local governments, such as school, health, welfare, and law-enforcement services.

“SEC. 5. The transfer of McNary Dam townsite shall be upon the express condition that persons or families occupying residential property on the date of the en-

actment of this Act [Aug. 28, 1957] shall be entitled to at least one hundred and eighty days' notice of termination of their occupancy.”

**§ 463e. Exchanges of land**

For the purpose of effecting land consolidations between Indians and non-Indians within the reservation, the Secretary of the Interior is authorized, under such rules and regulations as he may prescribe, to acquire through purchase, exchange, or relinquishment, any interest in lands, water rights, or surface rights to lands within said reservation. Exchanges of lands hereunder shall be made on the basis of equal value and the value of improvements on lands to be relinquished to the Indians or by Indians to non-Indians shall be given due consideration and allowance made therefor in the valuation of lieu lands. This section shall apply to tribal, trust, or otherwise restricted Indian allotments whether the allottee be living or deceased.

(Aug. 10, 1939, ch. 662, § 2, 53 Stat. 1351.)

**§ 463f. Title to lands**

Title to lands or any interest therein acquired pursuant to sections 463d to 463g of this title for Indian use shall be taken in the name of the United States of America in trust for the tribe or individual Indian for which acquired.

(Aug. 10, 1939, ch. 662, § 3, 53 Stat. 1351.)

**§ 463g. Use of funds appropriated under section 465**

For the purpose of carrying into effect the land-purchase provision of sections 463d to 463g of this title, the Secretary of the Interior is authorized to use so much as may be necessary of any funds heretofore or hereafter appropriated pursuant to section 465 of this title.

(Aug. 10, 1939, ch. 662, § 4, 53 Stat. 1351.)

**§ 464. Transfer and exchange of restricted Indian lands and shares of Indian tribes and corporations**

Except as provided in this Act, 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 under this Act shall be made or approved: *Provided*, 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: *Provided further*, That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108-374; 25 U.S.C. 2201 note), lands and shares described in the preceding proviso shall descend or be devised to any member of an Indian tribe or corporation described in that proviso or to an heir or lineal descendant of such a member in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), including a tribal probate code approved, or regulations promulgated under, that Act: *Provided further*, That the Secretary of the Interior may authorize any voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such

exchange, in the judgment of the Secretary, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

(June 18, 1934, ch. 576, § 4, 48 Stat. 985; Pub. L. 96-363, § 1, Sept. 26, 1980, 94 Stat. 1207; Pub. L. 106-462, title I, § 106(c), Nov. 7, 2000, 114 Stat. 2007; Pub. L. 108-374, § 6(d), Oct. 27, 2004, 118 Stat. 1805; Pub. L. 109-157, § 8(b), Dec. 30, 2005, 119 Stat. 2952; Pub. L. 109-221, title V, § 501(b)(1), May 12, 2006, 120 Stat. 343.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

The Indian Land Consolidation Act, referred to in text, is title II of Pub. L. 97-459, Jan. 12, 1983, 96 Stat. 2517, which is classified generally to chapter 24 (§ 2201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

#### AMENDMENTS

2006—Pub. L. 109-221 amended section catchline and text generally. Prior to amendment, text related to transfer and exchange of restricted Indian land and shares of Indian tribes and corporations.

2005—Pub. L. 109-157 amended section catchline and text generally. Prior to amendment, text related to transfer of restricted Indian lands or shares in assets of Indian tribes or corporation and exchange of lands.

2004—Pub. L. 108-374, § 6(d)(1), (2), in first proviso, struck out “, 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,” after “descend or be devised” and “, except as provided by the Indian Land Consolidation Act, any other Indian person for whom the Secretary of the Interior determines that the United States may hold land in trust:” after “lineal descendants of such member or”.

Pub. L. 108-374, § 6(d)(3), which directed insertion of “in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act):” in first proviso without specifying where the insertion was to be made, was executed by making the insertion at end of first proviso, to reflect the probable intent of Congress.

2000—Pub. L. 106-462, which directed the amendment of this section by substituting “member or, except as provided by the Indian Land Consolidation Act,” for “member or,” was executed by making the substitution for “member or” before “any other Indian person” to reflect the probable intent of Congress because the phrase “member or:” did not appear in text.

1980—Pub. L. 96-363, which directed the amendment of the first proviso of this section by substituting “or any heirs or lineal descendants of such member or any other Indian person for whom the Secretary of the Interior determines that the United States may hold land in trust” for “or any heirs of such members”, was executed by making the substitution for “or any heirs of such member” to reflect the probable intent of Congress.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-221 effective as if included in the enactment of Pub. L. 108-374, see section 501(c) of Pub. L. 109-221, set out as a note under section 348 of this title.

#### EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-157, § 9, Dec. 30, 2005, 119 Stat. 2953, provided that: “The amendments made by this Act

[amending this section, sections 2204 to 2206, 2212, 2214, and 2216 of this title and provisions set out as a note under section 2201 of this title] shall be effective as if included in the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; Public Law 108-374).”

#### EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-374 applicable on and after the date that is 1 year after June 20, 2005, see section 8(b) of Pub. L. 108-374, set out as a Notice; Effective Date of 2004 Amendment note under section 2201 of this title.

### § 465. Acquisition of lands, water rights or surface rights; appropriation; title to lands; tax exemption

The Secretary of the Interior is 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 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, nor in New Mexico, in the event that legislation to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, or similar legislation, becomes 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 (25 U.S.C. 608 et seq.) 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.

(June 18, 1934, ch. 576, § 5, 48 Stat. 985; Pub. L. 100-581, title II, § 214, Nov. 1, 1988, 102 Stat. 2941.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Act of July 28, 1955, referred to in text, is act July 28, 1955, ch. 423, 69 Stat. 392, as amended, which is classified to sections 608 to 608c of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1988—Pub. L. 100-581 inserted “or the Act of July 28, 1955 (69 Stat. 392), as amended (25 U.S.C. 608 et seq.)” after “this Act”.

#### PAYSON BAND, YAVAPAI-APACHE INDIAN RESERVATION

Pub. L. 92-470, Oct. 6, 1972, 86 Stat. 783, provided: “That (a) a suitable site (of not to exceed eighty-five acres) for a village for the Payson Community of