

(b) Multiple ownership of land

Where lands are held in multiple ownership, the Secretary is authorized to sell and exchange such lands to other Indians or the Yakima Tribes only if the sale or exchange is authorized in writing by the owners of at least a majority interest in such lands; except that no greater percentage of approval of individual Indians shall be required under sections 608 to 608c of this title than in any other statute of general application approved by Congress.

(c) Acquisitions to be held in trust

Lands and interests in lands acquired by the Secretary pursuant to subsection (a)(1) of this section and for the benefit of the Yakima Indian Nation pursuant to section 465 of this title shall be held in trust by the United States for the benefit of the Yakima Indian Nation.

(d) Terms and conditions

The Secretary shall obtain the advice and consent of the Yakima tribal council before entering into any of the above transactions involving the acquisition or disposition of tribal land. The terms and conditions of any such transaction, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Yakima tribal council, and the individual Indian or Indians concerned. Any such exchange of lands shall be effected on the basis of approximately equal consideration with due allowance for the value of improvements in determining the value of such lands.

(July 28, 1955, ch. 423, §1, 69 Stat. 392; Pub. L. 88-540, §1, Aug. 31, 1964, 78 Stat. 747; Pub. L. 100-581, title II, §213, Nov. 1, 1988, 102 Stat. 2941; Pub. L. 101-301, §1(a)(3), (b), May 24, 1990, 104 Stat. 206.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-301, §1(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "In all cases in which the Secretary is acquiring for the Yakima Tribes lands or interests in lands presently held in trust or under restrictions for the benefit of an individual Indian, title shall be taken in the name of the United States in trust for the Yakima Tribes. In all cases in which land being purchased is presently held by the grantor in fee simple, title shall be taken for and held by the Yakima Tribes in fee and such land shall not, by reason of its being owned by the tribes, be exempt from taxation in accordance with the laws of the State of Washington."

Pub. L. 101-301, §1(a)(3), repealed Pub. L. 100-581, §213. See 1988 Amendment note below.

1988—Subsec. (c). Pub. L. 100-581, §213, which directed the general amendment of subsec. (c) of Pub. L. 88-540, cited as a credit to this section, was repealed by Pub. L. 101-301, §1(a)(3).

1964—Pub. L. 88-540 amended section generally, and among other changes, permits acquisitions by gift or relinquishment, acquisition of any land within the reservation or area ceded to the United States by the treaty of June 9, 1855, sale of tribal land not only to tribe members, but also to Federal, State, or local government for recreational, educational, civic, or other public purposes, exchange of tribal land for any land within the reservation or the ceded area, lands held in mul-

multiple ownership to be sold or exchanged upon the written authorization of owners of at least a majority interest in the lands or any lesser percentage that may be provided in a statute of general application, and title to land in fee status acquired by the tribes to be taken in fee status.

§ 608a. Sale of tribal trust lands, etc.**(a) Title subsequent to sale**

Title to tribal trust lands, interests, improvements, or rights sold by the Secretary to individual members of the Yakima Tribes or exchanged by the Secretary for lands held under trust patent or other restrictions against alienation by individual members of the tribes and other Indians or for lands in heirship status shall be held by the United States in trust for the individual Indian or Indians concerned.

(b) Credit of proceeds to tribal funds

Sums derived from the sale of tribal trust lands interests, improvements, and rights shall be credited to the tribal funds of the Yakima Tribes.

(July 28, 1955, ch. 423, §2, 69 Stat. 393; Pub. L. 88-540, §2, Aug. 31, 1964, 78 Stat. 748.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

AMENDMENTS

1964—Subsec. (a). Pub. L. 88-540 struck out provisions that title to lands, interests, improvements, or rights acquired under section 608 of this title by the Secretary for the Yakima Tribes through purchase or exchange shall be held by the United States in trust for the Yakima Tribes.

§ 608b. Rights of lessee

(a) No transaction entered into under sections 608 to 608c of this title shall affect, without the consent of the lessee, any lease of lands, interests, improvements, or rights involved in such transaction, or any right of the lessee with respect to extension or renewal of such lease, which is in existence at the time such transaction is entered into.

(b) Repealed, Pub. L. 88-540, §3, Aug. 31, 1964, 78 Stat. 748.

(July 28, 1955, ch. 423, §3, 69 Stat. 393; Pub. L. 88-540, §3, Aug. 31, 1964, 78 Stat. 748.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

AMENDMENTS

1964—Subsec. (b). Pub. L. 88-540 repealed subsec. (b) which provided: "Nothing in sections 608-608c of this title shall affect the existing status of any lands, interests, improvements, or rights with respect to taxation."

§ 608c. Regulations

The Secretary is authorized to prescribe such regulations as may be necessary to carry out the purposes of sections 608 to 608c of this title.

(July 28, 1955, ch. 423, §4, 69 Stat. 393.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.