

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 individual 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), and the Secretary has approved such applications under subsection (d), 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—