

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—

(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), 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 respects 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), 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).<sup>1</sup> 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), 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);
- (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).

**(j) Secretarial approval of other transactions**

Except with respect to the specific lease transaction described in paragraph (1) of subsection (c), 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), 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**

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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

<sup>1</sup> See References in Text note below.