

which receives financial assistance for its operation under a contract or agreement with the Bureau under section 450f, 450h(a), or 458d of this title;

[See main edition for text of (6) to (13)]

(As amended Pub. L. 101-301, § 5(a), May 24, 1990, 104 Stat. 207.)

#### AMENDMENTS

1990—Par. (5). Pub. L. 101-301 made technical amendment to reference to section 450h(a) of this title to reflect renumbering of corresponding section of original act.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2011, 2651 of this title; title 20 section 2313.

### CHAPTER 24—INDIAN LAND CONSOLIDATION

#### § 2201. Definitions

##### SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-238, § 1, Dec. 17, 1991, 105 Stat. 1908, provided that: "This Act [amending sections 2203, 2703, and 2718 of this title, enacting provisions set out as a note under section 1437f of Title 42, The Public Health and Welfare, and repealing provisions set out as a note under section 1437f of Title 42] may be cited as the 'Technical Amendments to Various Indian Laws Act of 1991'."

#### § 2203. Adoption of land consolidation plan with approval of Secretary

##### (a) Statement of purpose; sales or exchanges: terms and conditions

Notwithstanding any other provision of law, any tribe, acting through its governing body, is authorized, with the approval of the Secretary to adopt a land consolidation plan providing for the sale or exchange of any tribal lands or interest in lands for the purpose of eliminating undivided fractional interests in Indian trust or restricted lands or consolidating its tribal landholdings: *Provided, That*—

(1) except as provided by subsection (c) of this section, the sale price or exchange value received by the tribe for land or interests in land covered by this section shall be no less than within 10 per centum of the fair market value as determined by the Secretary;

[See main edition for text of (2) to (5); (b)]

##### (c) Below market value conveyance of Cherokee Nation of Oklahoma homesites

The Secretary may execute instruments of conveyance for less than fair market value to effectuate the transfer of lands used as homesites held, on December 17, 1991, by the United States in trust for the Cherokee Nation of Oklahoma. Only the lands used as homesites, and described in the land consolidation plan of the Cherokee Nation of Oklahoma approved by the Secretary on February 6, 1987, shall be subject to this subsection.

(As amended Pub. L. 102-238, § 3, Dec. 17, 1991, 105 Stat. 1908.)

#### AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-238, § 3(1), substituted "(1) except as provided by subsection (c) of this section, the sale price" for "(1) the sale price".

Subsec. (c). Pub. L. 102-238, § 3(2), added subsec. (c).

#### § 2206. Escheat to tribe of trust or restricted or controlled lands; fractional interest; Indian tribal code

##### (a) Escheat to tribe; rebuttable presumption

No undivided interest held by a member or nonmember Indian in any tract of trust land or restricted land within a tribe's reservation or outside of a reservation and subject to such tribe's jurisdiction shall descend by intestacy or devise but shall escheat to the reservation's recognized tribal government, or if outside of a reservation, to the recognized tribal government possessing jurisdiction over the land if such interest represents 2 per centum or less of the total acreage in such tract and is incapable of earning \$100 in any one of the five years from the date of decedent's death. Where the fractional interest has earned to its owner less than \$100 in any one of the five years before the decedent's death, there shall be a rebuttable presumption that such interest is incapable of earning \$100 in any one of the five years following the death of the decedent.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-644, title III, § 301(a), Nov. 29, 1990, 104 Stat. 4666.)

#### AMENDMENTS

1990—Subsec. (a). Pub. L. 101-644 substituted "No undivided interest held by a member or nonmember Indian in any tract of trust land or restricted land within a tribe's reservation or outside of a reservation and subject to such tribe's jurisdiction shall descend by intestacy or devise but shall escheat to the reservation's recognized tribal government, or if outside of a reservation, to the recognized tribal government possessing jurisdiction over the land" for "No undivided interest in any tract of trust or restricted land within a tribe's reservation or otherwise subject to a tribe's jurisdiction shall descend by intestacy or devise but shall escheat to that tribe".

### CHAPTER 26—INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1621h of this title; title 20 section 3231.

### SUBCHAPTER II—COORDINATION OF RESOURCES AND PROGRAMS

#### § 2415. Federal facilities, property, and equipment; leasing of tribal property

##### LEASE AND OPERATION OF FACILITIES IN FAIRBANKS, ALASKA

Pub. L. 101-630, title V, § 509(b), (c), Nov. 28, 1990, 104 Stat. 4567, provided that:

"(b) LEASE OF FACILITIES.—The Secretary of Health and Human Services, acting under section 4209(c) and 4227(b) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act [of 1986, 25 U.S.C. 2415(c), 2474(b)], may—

"(1) without regard to section 4209(c)(2) of that Act, lease from the Tanana Chiefs Conference facilities that are located in Fairbanks, Alaska, and that the Tanana Chiefs Conference has leased from another entity, and

"(2) if the Secretary enters into a lease under paragraph (1) for at least 40 years, renovate the facilities to the extent needed.

"(c) SELF-DETERMINATION CONTRACTS FOR STAFFING AND OPERATION.—The Secretary of Health and Human Services, acting under section 102 of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450f], may contract with the Tanana Chiefs Conference to staff and operate the facilities leased under subsection (b), without a request of an Indian tribe, and without regard to the definition and proviso in section 4(l) of that Act [25 U.S.C. 450b(l)]."

### SUBCHAPTER III—INDIAN YOUTH PROGRAMS

#### § 2433. Emergency shelters

[See main edition for text of (a) to (d)]

##### (e) Authorization

(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters or half-way houses to provide emergency care for Indian youth, there is authorized to be appropriated \$5,000,000 for the fiscal year 1989 and \$3,000,000 for each of the fiscal years 1990, 1991, and 1992.

[See main edition for text of (2)]

(3) The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting or available for grants pursuant to the Indian Self-Determination Act [25 U.S.C. 450f et seq.].

(4) Funds appropriated under the authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if—

(A) the Secretary of the Interior determines that no Federal land or facilities are reasonably available for emergency shelters or halfway<sup>1</sup> houses described in subsection (a) of this section to serve the needs of that Indian tribe or tribal organization, and

(B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a) of this section.

(5) Nothing in this chapter<sup>2</sup> may be construed—

(A) to limit the authority for contracts with, or grants to, Indian tribes or tribal organizations under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] for the construction, improvement, renovation, operation, repair, land acquisition, or maintenance of tribal juvenile detention facilities, emergency shelters, or half-way houses, or

(B) to require a lease of tribal facilities to the United States to qualify for financial assistance for the facilities under this chapter or any other Act.

(As amended Pub. L. 101-272, Apr. 18, 1990, 104 Stat. 137.)

#### REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (e)(3), (5)(A), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to subchapter II (§ 450f 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 450 of this title and Tables.

This chapter, referred to in subsec. (e)(5), was in the original "this Act" and was translated as reading "this subtitle", meaning subtitle C of title IV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-137, as amended, known as the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, which is classified generally to this chapter, to reflect the probable intent of Congress. For complete classification of subtitle C to the Code, see Short Title note set out under section 2401 of this title and Tables.

#### AMENDMENTS

1990—Subsec. (e)(1). Pub. L. 101-272, § 1(1), inserted ", or purchase or lease of land or facilities for," after "renovation of".

Subsec. (e)(3). Pub. L. 101-272, § 1(2), inserted "or available for grants" after "subject to contracting".

Subsec. (e)(4), (5). Pub. L. 101-272, § 1(3), added pars. (4) and (5).

### SUBCHAPTER VI—INDIAN ALCOHOL AND SUBSTANCE ABUSE TREATMENT AND REHABILITATION

#### § 2474. Indian Health Service youth program

[See main edition for text of (a)]

##### (b) Treatment centers or facilities

[See main edition for text of (1) and (2)]

(3) Notwithstanding any other provision of this chapter, the Secretary may, from amounts allocated to the Alaska area from funds appropriated pursuant to this section, make funds available to the Tanana Chiefs Conference, Incorporated, for the purpose of maintaining a residential youth treatment facility in Fairbanks, Alaska.

[See main edition for text of (c) to (e)]

(As amended Pub. L. 101-630, title V, § 509(a), Nov. 28, 1990, 104 Stat. 4567.)

#### AMENDMENTS

1990—Subsec. (b)(3). Pub. L. 101-630 added par. (3).

### CHAPTER 27—TRIBALLY CONTROLLED SCHOOL GRANTS

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2008a, 2019, 3207 of this title; title 20 section 2711.

#### § 2503. Grants authorized

##### (a) In general

[See main edition for text of (1) and (2)]

(3) [See main edition for text of (A) and (B)]

(C) If funds allocated to a tribally controlled school under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 [20

<sup>1</sup> So in original. Probably should be "half-way".

<sup>2</sup> See References in Text note below.