

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) of this section, 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) of this section, 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 provi-

sions 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) of this section, 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) of this section;

(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) of this section.

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

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

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).

**§ 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

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

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**

- Sec.
- 2301. Definitions.
- 2302. Payment of claims.
  - (a) Authority of Secretary.
  - (b) Minimum amount for payment.
- 2303. Notice.
  - (a) Publication; list of trust estates; unauthorized disbursements; Federal Register.
  - (b) Secretary to provide information to affected tribes, bands, or groups.
  - (c) Submission of additional unauthorized disbursement claims.
  - (d) Publication of additional unauthorized disbursement claims.
- 2304. Identification of right to payment and expedited claim payment.
  - (a) Search of records.
  - (b) Payment without filing of claim.
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- 2305. Discharge and barring of claims.
  - (a) Payment and acceptance.
  - (b) Claims filed prior to October 19, 1984.
- 2306. Authorization of appropriations.
- 2307. Treatment of funds.

**§ 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 published on April 17, 1985, at page 15290 of volume 50 of the Federal Register, as modified or amended on November 13, 1985, at page 46835 of volume 50 of the Federal Register, or the list published on March 31, 1983, at page 13698 of volume 48 of the Federal Register, as modified or amended on November 7, 1983, at page 51204 of volume 48 of the Federal Register; and

(3) "trust estate" means that portion of the estate that consists of real or personal property, title to which is held by the United States for the benefit of the Indian or which may not be alienated without the consent of the Secretary.

(Pub. L. 98-500, § 2, Oct. 19, 1984, 98 Stat. 2317; Pub. L. 100-153, § 5, Nov. 5, 1987, 101 Stat. 886.)

AMENDMENTS

1987—Par. (2). Pub. L. 100-153 inserted proviso that "unauthorized disbursement" includes specifically identified reimbursements for welfare payments.

SHORT TITLE

Section 1 of Pub. L. 98-500 provided: "That this Act [enacting this chapter] may be cited as the 'Old Age Assistance Claims Settlement Act'."

**§ 2302. Payment of claims**

**(a) Authority of Secretary**

The Secretary is authorized and directed to determine the portion of any unauthorized disbursement to which any individual under this chapter is entitled, and to pay to such individual the amount which the Secretary determines such individual to be entitled. Any payment under this provision shall include interest at a rate of 5 per centum per annum, simple interest, from the date on which such disbursement was made from the trust estate of the deceased Indian.

**(b) Minimum amount for payment**

No payment shall be made to a person under subsection (a) of this section with respect to any unauthorized disbursement from the trust estate of a deceased Indian if—

(1) the total amount of unauthorized disbursements from such trust estate was less than \$50; or

(2) the payment (not including interest) would be less than \$10.

(Pub. L. 98-500, § 3, Oct. 19, 1984, 98 Stat. 2317; Pub. L. 100-581, title II, § 201, Nov. 1, 1988, 102 Stat. 2939.)

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-581 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "No payment shall be made under subsection (a) of this section with respect to any unauthorized disbursement from the trust estate of a deceased Indian if the total amount of unauthorized disbursement from such trust estate was less than \$50."

**§ 2303. Notice**

**(a) Publication; list of trust estates; unauthorized disbursements; Federal Register**

Within one hundred and eighty days after October 19, 1984, the Secretary shall publish in the Federal Register a list of all trust estates from which unauthorized disbursements are known to have been made, including the amount of the unauthorized disbursement made from each such trust estate.

**(b) Secretary to provide information to affected tribes, bands, or groups**

Within thirty days after the publication of this list, the Secretary shall provide a copy of this chapter and a copy of the Federal Register containing this list, or such parts as may be pertinent, to each Indian tribe, band, or group the rights of whose members may be affected by this chapter.

**(c) Submission of additional unauthorized disbursement claims**

Any tribe, band or group of Indians, or any individual Indian shall have one hundred and eighty days after the date of the publication in the Federal Register of the list provided for in subsection (b) of this section to submit to the Secretary any additional unauthorized disbursement claims not contained on the list.

**(d) Publication of additional unauthorized disbursement claims**

Not more than thirty days after the expiration of the one hundred and eighty day period provided for in subsection (c) of this section, the Secretary shall publish in the Federal Register a list containing the additional unauthorized disbursement claims submitted during such period.

(Pub. L. 98-500, §4, Oct. 19, 1984, 98 Stat. 2317.)

**§ 2304. Identification of right to payment and expedited claim payment****(a) Search of records**

The Secretary shall conduct a search of the records of the Department of the Interior to identify individuals who are entitled to any portion of the unauthorized disbursements which were made and to ascertain the amount of such unauthorized disbursements to which each of such individuals is entitled.

**(b) Payment without filing of claim**

In any case in which the Secretary ascertains the name and location of any individual who is entitled to any portion of an unauthorized disbursement and determines the amount of such unauthorized disbursement to which such individual is entitled, the Secretary shall pay such amount, including interest thereon as provided in section 2302 of this title, to such individual immediately without requiring such individual to file a formal claim for payment.

**(c) Notification**

The Secretary shall use the best available means of notifying each individual who is identified in the search conducted under subsection (a) of this section of the right of such individual to receive payment under this chapter. The means of notification available to the Secretary shall include—

- (1) notice provided directly to such individual;
- (2) notification of the next of kin of such individual;
- (3) notification of the chairman or chief executive officer of the tribe of which such individual is a member or of which the deceased Indian was a member; and
- (4) publication of notice in newspapers of general circulation in the appropriate area.

(Pub. L. 98-500, §5, Oct. 19, 1984, 98 Stat. 2318.)

**§ 2305. Discharge and barring of claims****(a) Payment and acceptance**

The payment and acceptance of any claim, after its determination in accordance with this chapter, shall be a full discharge to the United States or any State or political subdivision thereof of all claims and demands touching any of the matters involved in the controversy.

**(b) Claims filed prior to October 19, 1984**

The provisions of this chapter shall not affect claims arising from any unauthorized disbursement which were filed in any court of competent jurisdiction prior to October 19, 1984.

(Pub. L. 98-500, §6, Oct. 19, 1984, 98 Stat. 2318.)

**§ 2306. Authorization of appropriations**

(a) There are authorized to be appropriated for the purpose of carrying out the provisions of this chapter \$2,500,000 for each of the fiscal years 1986 and 1987, and such sums as may be necessary for any subsequent fiscal year. The amounts appropriated under the authority of this subsection shall remain available without fiscal year limitation for purposes of carrying out the provisions of this chapter until all claims filed under this chapter have been resolved.

(b) Funds necessary to pay the expenses of administering this chapter shall be appropriated and expended under the authority of section 13 of this title.

(Pub. L. 98-500, §7, Oct. 19, 1984, 98 Stat. 2318.)

**§ 2307. Treatment of funds**

Funds distributed under the provisions of this chapter shall not be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act [42 U.S.C. 301 et seq.] or, except for per capita shares in excess of \$2,000, any Federal or federally assisted program.

(Pub. L. 98-500, §8, Oct. 19, 1984, 98 Stat. 2319.)

## REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

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

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