

§ 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

Pub. L. 98-500, §1, Oct. 19, 1984, 98 Stat. 2317, 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