

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**

Sec.	
2301.	Definitions.
2302.	Payment of claims.
2303.	Notice.
2304.	Identification of right to payment and expedited claim payment.
2305.	Discharge and barring of claims.
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

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

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) 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) 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 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