

(Pub. L. 103-412, title I, §102, Oct. 25, 1994, 108 Stat. 4240.)

Statutory Notes and Related Subsidiaries

PERFORMANCE AND ACCOUNT STATEMENTS FOR INACTIVE ACCOUNTS

Provisions stating that the Secretary was not required to provide a quarterly statement of performance for any Indian trust account that had not had activity for at least 18 months and had a balance of \$1.00 or less but was required to issue an annual account statement and maintain a record of any such accounts and to permit the balance in each such account to be withdrawn upon the express written request of the account holder, were contained in Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. 109-54, title I, Aug. 2, 2005, 119 Stat. 519, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code. Similar provisions were also contained in the following prior appropriations acts:

Pub. L. 108-447, div. E, title I, Dec. 8, 2004, 118 Stat. 3061.

Pub. L. 108-108, title I, Nov. 10, 2003, 117 Stat. 1263.

Pub. L. 108-7, div. F, title I, Feb. 20, 2003, 117 Stat. 236.

Pub. L. 107-63, title I, Nov. 5, 2001, 115 Stat. 435.

Pub. L. 106-291, title I, Oct. 11, 2000, 114 Stat. 939.

Pub. L. 106-113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-153.

Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-251.

§ 4012. Authority for payment of claims for interest owed

The Secretary shall make payments to an individual Indian in full satisfaction of any claim of such individual for interest on amounts deposited or invested on behalf of such individual before October 25, 1994, retroactive to the date that the Secretary began investing individual Indian monies on a regular basis, to the extent that the claim is identified—

(1) by a reconciliation process of individual Indian money accounts, or

(2) by the individual and presented to the Secretary with supporting documentation, and is verified by the Secretary pursuant to the Department's policy for addressing accountholder losses.

(Pub. L. 103-412, title I, §104, Oct. 25, 1994, 108 Stat. 4241.)

SUBCHAPTER II—INDIAN TRUST FUND MANAGEMENT PROGRAM

§ 4021. Purpose

The purpose of this subchapter is to allow tribes an opportunity to manage tribal funds currently held in trust by the United States and managed by the Secretary through the Bureau, that, consistent with the trust responsibility of the United States and the principles of self-determination, will—

(1) give Indian tribal governments greater control over the management of such trust funds; or

(2) otherwise demonstrate how the principles of self-determination can work with respect to the management of such trust funds, in a manner consistent with the trust responsibility of the United States.

(Pub. L. 103-412, title II, §201, Oct. 25, 1994, 108 Stat. 4242.)

§ 4022. Voluntary withdrawal from trust funds program

(a) In general

An Indian tribe may, in accordance with this section, submit a plan to withdraw some or all funds held in trust for such tribe by the United States and managed by the Secretary through the Bureau.

(b) Approval of plan

The Secretary shall approve such plan within 90 days of receipt and when approving the plan, the Secretary shall obtain the advice of the Special Trustee or prior to the appointment of such Special Trustee, the Director of the Office of Trust Fund Management within the Bureau. Such plan shall meet the following conditions:

(1) Such plan has been approved by the appropriate Indian tribe and is accompanied by a resolution from the tribal governing body approving the plan.

(2) The Secretary determines such plan to be reasonable after considering all appropriate factors, including (but not limited to) the following:

(A) The capability and experience of the individuals or institutions that will be managing the trust funds.

(B) The protection against substantial loss of principal.

(c) Dissolution of trust responsibility

Beginning on the date funds are withdrawn pursuant to this section, any trust responsibility or liability of the United States with respect to such funds shall cease except as provided for in section 4027 of this title.

(Pub. L. 103-412, title II, §202, Oct. 25, 1994, 108 Stat. 4242.)

§ 4023. Judgment funds

(a) In general

The Secretary is authorized to approve plans under section 4022 of this title for the withdrawal of judgment funds held by the Secretary.

(b) Limitation

Only such funds held by the Secretary under the terms of the Indian Judgment Funds Use or Distribution Act [25 U.S.C. 1401 et seq.] or an Act of Congress which provides for the secretarial management of such judgment funds shall be included in such plans.

(c) Secretarial duties

In approving such plans, the Secretary shall ensure—

(1) that the purpose and use of the judgment funds identified in the previously approved judgment fund plan will continue to be followed by the Indian tribe in the management of the judgment funds; and

(2) that only funds held for Indian tribes may be withdrawn and that any funds held for individual tribal members are not to be included in the plan.

(Pub. L. 103-412, title II, §203, Oct. 25, 1994, 108 Stat. 4242.)