Public Law 98-500
98th Congress

An Act

To compensate heirs of deceased Indians for improper payments from trust estates to States or political subdivisions thereof as reimbursements for old age assistance received by decedents during their lifetime.

Oct. 19, 1984
[S. 1151]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Old Age Assistance Claims Settlement Act".

Old Age Assistance Claims Settlement Act. Indians. 25 USC 2301 note.

DEFINITIONS

SEC. 2. For purposes of this Act, 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; 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.

25 USC 2301.

PAYMENT OF CLAIMS

SEC. 3. (a) The Secretary is authorized and directed to determine the portion of any unauthorized disbursement to which any individual under this Act 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.

25 USC 2302.

(b) 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.

NOTICE

SEC. 4. (a) Within one hundred and eighty days after the date of enactment of this Act, 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.

Federal Register, publication. 25 USC 2303.

(b) Within thirty days after the publication of this list, the Secretary shall provide a copy of this Act 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 Act.

(c) 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.

Federal Register, publication.

(d) 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.

IDENTIFICATION OF RIGHT TO PAYMENT AND EXPEDITED CLAIM PAYMENT

25 USC 2304.

SEC. 5. (a) 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) 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 3, to such individual immediately without requiring such individual to file a formal claim for payment.

(c) 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 Act. 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.

DISCHARGE AND BARRING OF CLAIMS

25 USC 2305.

SEC. 6. (a) The payment and acceptance of any claim, after its determination in accordance with this Act, 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) The provisions of this Act shall not affect claims arising from any unauthorized disbursement which were filed in any court of competent jurisdiction prior to the date of enactment of this Act.

AUTHORIZATIONS

Appropriation authorization. 25 USC 2306.

SEC. 7. (a) There are authorized to be appropriated for the purpose of carrying out the provisions of this Act $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 Act until all claims filed under this Act have been resolved.

(b) Funds necessary to pay the expenses of administering this Act shall be appropriated and expended under the authority of the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Snyder Act.

TREATMENT OF FUNDS

SEC. 8. Funds distributed under the provisions of this Act 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 or, except for per capita shares in excess of $2,000, any Federal or federally assisted program.

25 USC 2307.

42 USC 1305.

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 1151:

SENATE REPORT No. 98-605 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Sept. 28, considered and passed Senate.
Oct. 4, considered and passed House.