

INDIAN AFFAIRS

DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

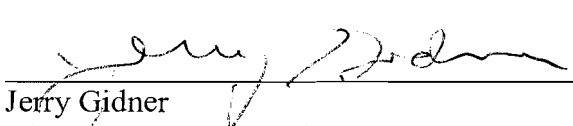
DOCUMENT IDENTIFICATION NUMBER 52 IAM 6	SUBJECT Delinquent Payments Received on Expired Leases	RELEASE NUMBER #08-01
FOR FURTHER INFORMATION Trust Services		DATE JAN 22 2008

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter prescribes the policy for the processing of payments received at the lockbox that are delinquent payments due for leases already expired or terminated on the agency's Trust Asset and Accounting System (TAAMS) conversion date.

This policy is effective immediately and remains effective until revised, superseded or rescinded.

If you have any questions regarding this policy, contact BIA Trust Reform Liaisons, T. Parker Sando at (505) 816-1446 or Steve Graham at (505) 816-1209.



Jerry Gidner
Director, Bureau of Indian Affairs

FILING INSTRUCTIONS:

Remove: None

Insert: 52 IAM 6

INDIAN AFFAIRS MANUAL

Part 52

Real Estate Services

Chapter 6

Delinquent Payments Received on Expired Leases

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- 1.1 Purpose.** This chapter prescribes the policy for the processing of payments received at the lockbox that are delinquent payments due for leases already expired or terminated on the agency's Trust Asset and Accounting System (TAAMS) conversion date.
- 1.2 Scope.** This policy is applicable to Indian trust programs and offices and is necessary to ensure that payments received at the lockbox on expired or terminated land use agreements are distributed timely and to the appropriate accounts. This policy is only applicable to expired leases not encoded in TAAMS, with outstanding payments still due.
- 1.3 Policy.** It is the policy that delinquent payments received for expired or terminated land use agreements are deemed trust funds and will be distributed to trust landowners accordingly. Since there is no associated unpaid payment term record in TAAMS when the delinquent payment is received, the payment will be held in an exception queue and the Bureau of Indian Affairs (BIA) will be contacted. The BIA will initiate the appropriate compliance action in accordance with the applicable regulation (i.e. invoice for late payment penalties) and will encode a Receivables Document in the TAAMS Leasing Module.

If a land conveyance was completed between the payment due date and the date the delinquent payment is received, the BIA must determine which landowners will receive the income. If the BIA discovers the delinquent payment was disclosed in the land conveyance negotiations, the Receivable Document should indicate that the delinquent payment is to be automatically distributed to the landowners of record at the time the delinquent payment is received. If the BIA discovers the delinquent payment was not disclosed in the land conveyance negotiations, the Receivable Document should indicate that the delinquent payment is to be distributed to the landowners of record on the original payment due date.

1.4 Authority.

- A. 25 USC 415, Leases of restricted lands for public, religious, educational, recreational, residential, business, and other purposes; approval by the Secretary**
- B. 25 CFR 162, Leases and Permits**

1.5 Responsibilities.

- A. Director, Bureau of Indian Affairs (BIA).** The BIA Director is responsible for the development of National Policy affecting Indian lands.
- B. Deputy Bureau Director, Field Operations, BIA.** The BIA Deputy Bureau Director of Field Operations is responsible for overseeing the Regional Directors and dissemination of policy to them.
- C. Deputy Bureau Director, Trust Services, BIA.** The BIA Deputy Bureau Director of Trust Services is responsible for assisting in the dissemination of trust resource policy and information to the Regional Directors.
- D. Regional Directors, BIA.** The BIA Regional Directors are responsible for carrying out policy as directed, and for overseeing the implementation of policy either directly or via Agency Superintendents.