Indian Affairs - Office of Public Affairs

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Acting Secretary of the Interior Elmer Bennett announced today the approval of regulations governing the filing of claims by persons incurring expenses as the result of moving from lands acquired for Department projects.

The new regulations are issued pursuant to Public Law 85-433, approved May 29, 1958, which authorizes the reimbursement of owners or tenants of lands acquired for developments under the Departmentâ□□s jurisdiction for moving or other losses and damages incurred as a direct result of such moving. Previously, in land acquisitions, the Department could pay only the value of the realty itself.

Under the law, payment may be made for acquisitions consummated since July 14, 1952. However, these claims must be filed within one year from the date of the Act or by May 29, 1959.

Claims for reimbursement may be filed at any office of the bureau responsible for acquisition of the lands or at the Department of the Interior, Washington, D.C.

A prescribed form of application for claim is being prepared and will be issued shortly. For the purposes of meeting the time limitation imposed by the Act, the landowner or tenant may file a statement giving his name and address, the approximate location of the land acquired, the time of acquisition, and the name of the Department bureau which acquired the land. The prescribed form will then be furnished the applicant, together with a detailed statement as to what expenses and damages may be included in his claim.

The text of the new regulations, to be published in the Federal Register this week, is attached.

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UNITED STATES

DEPARTMENT OF THE INTERIOR
Washington
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CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
SUBTITLE A - OFFICE OF THE SECRETARY OF THE INTERIOR
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PART 10-LAND ACQUISITION: PAYMENT OF MOVING EXPENSES

A new part is added to Title 43, Subtitle A, reading as follows:

Sec.
10.1 Purpose
10.2 Who may file

10.3 Place for filing
10.4 Form of application for claim
10.5 Time for filing

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AUTHORITY: Sections 10,1 to 10.5 issued pursuant to Sec. 2, 72 Stat. 152.

Sec, 10.1 Purpose. The purpose of this part is to set forth generally the places where persons eligible may file a claim or claims for certain expenses, other losses, and damages incurred by them as a direct result of moving from lands acquired by the secretary of the Interior for the construction, operation or maintenance of developments under his jurisdiction. Claims may be filed in connection with any such lands acquired since July 14, 1952, and for future acquisitions all subject to the terms and limitations of the Act of May 29, 1958, (72 Stat, 152) and the provisions of this Part.

Sec. 10.2 Who may file. Any landowner whose land has been acquired for a purpose determined by the Secretary to be for the construction, operation, or maintenance of a development under his jurisdiction, and which acquisition has been consummated since July 14, 1952, and because of such acquisition moved himself, his family or his possessions, may file a claim at one of the offices included in Sec. 10.3 hereof. Also, a tenant of any such landowner, who, under proper authority, used or occupied such lands, and because of such acquisition since July 14, 1952, moved himself, his family or his possessions, may file his claim in any of the offices in Sec. 10.3 hereof.

Sec. 10.3 Place for filing. Claims for reimbursement may be filed at any office of the bureau responsible for the acquisition of the lands, including claims after July 14, 1952, or such claims may be filed at the Department of the Interior, Washington 25, D. C.

Sec. 10.4 Form of application for claim. A prescribed form of application for claim currently is being prepared and will be issued by the Department of the Interior. For the purposes of meeting the time limitation imposed by the Act, the landowner or tenant need only file in writing a statement at the p1aoes mentioned in Sec. 10.3 hereof giving his name and address, the approximate location of the land acquired, the time of acquisition, and the name of the Interior bureau which acquired the land. Thereafter, the prescribed form will be furnished the applicant together with a detailed statement as to what expenses and damages may be included in his claim.

Sec. 10.5 Time for filing. Any person who may file a claim must apply to any of the offices in Sec. 10.3 hereof within one year from the date of the acquisition, and as to acquisitions prior to May 29, 1958, and subsequent to July 14, 1952, such application must be received by one of the offices in Sec. 10.3 hereof prior to May 29, 1959.

The Act contains a time limitation on filing application for payment. Notice and publication procedure on the regulations implementing this legislation have not been observed in order to permit additional time for the filing of claims arising from acquisitions prior to the enactment of the legislation. These regulations shall become effective upon publication in the Federal Register.