Indian Affairs - Office of Public Affairs

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Effort will update 40-year old regulations to comport with HEARTH Act and TERAs, supports tribal self-governance and self-determination

WASHINGTON – Assistant Secretary – Indian Affairs Tara *Katuk* Sweeney today announced that tribal consultation will be held to give federally recognized tribes the opportunity to comment on proposed updates to 40-year old regulations that will modernize how the Bureau of Indian Affairs (BIA) maintains title to federal Indian trust lands.

Indian Affairs will be hosting two virtual tribal consultation sessions on the proposed rule and invites tribal representatives to participate. Information on dates and how to participate will be posted on the Office of Regulatory Affairs and Collaborative Action (RACA) website.

"BIA Director Darryl LaCounte and I are committed to modernizing the business processes at the Bureau of Indian Affairs, and these updates to BIA's Indian land records management regulations will greatly promote tribal self-governance and self-determination," **said Assistant Secretary Sweeney**. "In addition, with the Bureau of Trust Funds Administration joining the Indian Affairs family, updating these 40-year old regulations will bring widespread efficiencies to Indian land transactions, thus allowing us to better serve Indian trust beneficiaries."

The BIA's Land Title and Records Offices (LTROs) maintain title documents for land that the United States holds in trust or restricted fee status for American Indian and Alaska Native tribes and individuals, which is roughly similar to how counties and other local governments maintain title documents for fee land within their jurisdictions.

The proposed rule will allow for more efficient operation of the LTROs in multiple ways, such as accounting for the continued and future maintenance of most title documents electronically, and by allowing workloads to be shifted among LTRO offices to promptly address requests and to prevent the risk of backlogs.

The proposed rule also addresses the increased recognition of tribal self-governance and self-determination over the past 40 years. For example, the rule accounts for the recording of title documents where Secretarial approval of the transaction is no longer required.

This change ensures that individual leases under approved Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act regulations and title documents under Tribal Energy Resource Agreements (TERAs) are recorded, thereby also ensuring there is documentation of who is authorized to use Indian trust land at any given time.

The Assistant Secretary – Indian Affairs advises the Secretary of the Interior on Indian Affairs policy issues, communicates policy to and oversees the programs of the BIA and the BIE, provides leadership in consultations with tribes, and serves as the DOI official for intra- and inter-departmental coordination and liaison within the Executive Branch on Indian matters.

The Indian Affairs Office of Regulatory Affairs and Collaborative Action (RACA)*, formerly known as the Office of Regulatory Management (ORM), is responsible for a broad range of regulatory functions that involve collaboration with all Indian Affairs (IA) bureaus, offices, tribal partners and other stakeholders, including: facilitating IA's compliance with the Administrative Procedures Act, Privacy Act, and Paperwork Reduction Act; developing and revising regulations to address statutory requirements and IA program issues; serving as the Department's regulatory contact for IA; and managing the Federal Register notice process for IA. RACA is also responsible for managing IA's Directives System, including providing templates, guidance, and assistance to programs developing and/or updating policies and procedures. Additionally, RACA provides oversight, assistance, and implementation of the CORE PLUS dispute resolution program within Indian Affairs.*

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