

INDIAN AFFAIRS MANUAL

1.1 Purpose. This chapter establishes Indian Affairs' (IA) policy for timely reviewing, and processing Trust and Restricted Fee Land Acquisition & Disposal (A&D) Conveyances. The accompanying handbook, 52 IAM 18-H: Trust and Restricted Land Acquisition & Disposal Conveyance Handbook, provides the detailed procedures regarding the different types of A&D transactions and the specific procedures the Bureau of Indian Affairs (BIA) utilizes to standardize the A&D conveyance processes.

1.2 Scope. This policy applies to all IA management and staff involved in processing A&D conveyances on trust or restricted land. This policy may also apply to entities carrying out activities on behalf of BIA under contracts or other agreements if expressly agreed to in the contracts or agreements, or if the requirement to abide by such policy is otherwise required by law. These entities may include contractors or Tribes operating through contracts issued pursuant to Public Law (P.L.) 93-638 and P.L. 103-413.

1.3 Policy. It is IA's policy to process A&D conveyances in a standardized, timely manner, and in compliance with all applicable regulations, laws, standards, and policies; and implement practices to protect and preserve Indian trust assets from loss, damage, unlawful alienation, waste, depletion, and to make decisions concerning trust lands that are in the best interest of the landowner.

1.4 Authority.

A. Statutes and Regulations.

- 1) 25 CFR 152, Issuance of Patents in Fee, Certificates of Competency, Removal of Restrictions, and Sale of Certain Indian Lands
- 2) 25 U.S.C. § 5101 et seq., Indian Reorganization Act of 1934
- 3) 25 U.S.C. §§ 2201-2221, Indian Land Consolidation
- 4) P.L. 108-374, American Indian Probate Reform Act of 2004
- 5) 42 U.S.C. §§ 4321-4370h, National Environmental Policy Act (NEPA)

B. Guidance.

- 1) 52 IAM 3, Monitoring and Clearing of Invoices and Trust Fund Payments From Trust Funds Receivables
- 2) 52 IAM 7, Corrective Deeds and Affidavits

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C. Handbooks.

- 1) 52 IAM 18-H: Trust and Restricted Land Acquisition & Disposal Conveyance Handbook

1.5 Responsibilities.

- A. **Director, Bureau of Indian Affairs (DBIA)** is responsible for ensuring that appropriate organization arrangements, resources, and personnel are available to implement and maintain the A&D program. The DBIA serves as the Senior Accountable Official for the A&D program and has primary responsibility for implementing and executing BIA programs in accordance with statute, regulation, and Departmental policy.
- B. **Deputy Bureau Director (DBD), Field Operations, BIA** is responsible for executive leadership, oversight, direction, and monitoring of the Regional Directors (RDs) and for ensuring that processes and resources are in place to disseminate policy which impacts the regions.
- C. **DBD, Office of Trust Services (OTS), BIA** is responsible for ensuring that statutory or regulatory timetables for A&D processing are met, and that guidance is available to regional and agency staff tasked with processing A&D conveyances.
- D. **Division Chief, Division of Real Estate Services, OTS** is responsible for establishing BIA's real estate services policies, guidance, and standards for complying with statutory and regulatory requirements; providing technical assistance and training to BIA regions as appropriate; managing BIA's federal reporting requirements for real estate services; initiating periodic reviews of regional and agency programs for real estate services; and assisting in the development and dissemination of trust resource policy to the RDs.
- E. **RDs, BIA** are responsible for complying with IA and Departmental policy and procedures for A&D; ensuring his/her region meets processing deadlines; conducting program reviews; issuing decisions for A&D conveyances; and deciding on appeals for decisions by Agency superintendents.
- F. **Agency Superintendents, BIA** are responsible for managing and maintaining his/her respective organization's A&D program compliance, including meeting processing deadlines; interacting with federal and Tribal governments; identifying opportunities for performance and process improvements; and issuing decisions for A&D if re-delegated by the RD.

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- G. **Realty Program Staff, BIA** are responsible for reviewing A&D conveyances, responding to reporting requirements and providing technical assistance to the appropriate RD or Superintendent as needed.
- H. **Appraisal Valuation Services Office (AVSO), DOI** is responsible for completing appraisals and reviewing contracted appraisals for A&D conveyances.
- I. **Land Titles & Records Office (LTRO), BIA** is responsible for recording conveyances; issuing certified Title Status Reports (TSRs); and verifying any/all restrictions, encumbrances, and/or limitations for trust and restricted fee lands and title under the jurisdiction of the BIA.

1.6 Standards, Requirements, and Procedures.

The detailed procedures to implement this policy are found in 52 IAM 18-H: Trust and Restricted Land Acquisition & Disposal Conveyance Handbook.

Approval



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Date