

Calendar No. 590

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 117-232

TRIBAL TRUST LAND HOMEOWNERSHIP ACT OF 2021

DECEMBER 6, 2022.—Ordered to be printed

Mr. SCHATZ, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 3381]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 3381), to require the Bureau of Indian Affairs to process and complete all mortgage packages associated with residential and business mortgages on Indian land by certain deadlines, and for other purposes, having considered the same reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

S. 3381 would establish deadlines for the Bureau of Indian Affairs (BIA) to process and complete all mortgage packages associated with residential and business mortgages on Indian land and establish a realty ombudsman within the BIA to adjudicate delays in the processing of BIA realty filings.

BACKGROUND AND NEED FOR LEGISLATION

The BIA reviews and processes all leasehold and trust land mortgages on Indian lands. Access to mortgage products encourages homeownership on Indian lands. In some cases, the BIA takes an extended period of time to process and certify mortgages issued by federal agencies and lenders. These delays disincentivize lenders and reduce homeownership opportunities in Indian country.

SUMMARY OF S. 3381

S. 3381 codifies deadlines for the BIA to process and complete all mortgage packages associated with residential and business mort-

gages on Indian land currently reflected in the BIA mortgage handbook; provide HUD, USDA, the VA, and Tribes read-only access to the BIA's Trust Asset and Accounting Management System (TAAMS) to ascertain the processing status of a loan; require BIA to submit an annual report to Congress providing information about the number of requests made and the number of requests successfully and not successfully processed; and directs GAO to publish a report evaluating how digitizing mortgage packages might streamline the process; and establish a realty ombudsman within the BIA.

SECTION-BY-SECTION ANALYSIS OF S. 3381 AS ORDERED REPORTED

Section 1—Short title

This section sets forth the short title as the “Tribal Trust Land Homeownership Act of 2021.”

Section 2—Definitions

Section 2 clarifies terms used in the bill, including but not limited to, “First Certified Title Status Report,” “Indian Land,” “Right-of-Way Document,” and “Subsequent Certified Title Status Report.”

Section 3—Mortgage review and processing

Section 3(a) establishes deadlines and requirements for reviewing and processing proposed residential leasehold, business, and land mortgages, and rights-of-way documents. This section also clarifies that the requirements of this bill do not apply to leases approved pursuant to section 415(h) of the Long Term Leasing Act of 1955.

Section 3(b) establishes rules for BIA failure to review and process mortgage packages pursuant to section 3(a).

Section 3(c) establishes rules for delivery of first and subsequent certified title status reports.

Section 3(d) provides relevant federal agencies and Tribes read-only access to TAAMS.

Section 3(e) directs the Director of the BIA to submit an annual report to the Senate Committee on Indian Affairs and the Committee on Natural Resources of the House of Representatives.

Section 3(f) directs the Comptroller General of the United States to submit an annual report to the Senate Committee on Indian Affairs and the Committee on Natural Resources of the House of Representatives.

Section 4—Establishment of Realty Ombudsman Position

Section 4(a) establishes, within the Division of Real Estate Services of the Bureau of Indian Affairs, the position of “Realty Ombudsman.”

Section 4(b) describes the responsibilities of the Realty Ombudsman.

LEGISLATIVE HISTORY

S. 3381 was introduced by Senator Thune (R–SD) and cosponsored by Senators Smith (D–MN), Rounds (R–SD), and Tester (D–MT) on December 14, 2021. The Senate referred the bill to the Senate Committee on Indian Affairs the same day. On February 16, 2022, the Committee held a hearing to consider the bill. On May

18, 2022, the Committee held a business meeting and ordered the bill to be reported favorably without amendment.

COST AND BUDGETARY CONSIDERATIONS

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 27, 2022.

Hon. BRIAN SCHATZ,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed table summarizing estimated budgetary effects and mandates information for some of the legislation that has been ordered reported by the Senate Committee on Indian Affairs during the 117th Congress.

If you wish further details, we will be pleased to provide them. The CBO staff contact for each estimate is listed on the enclosed table.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023-2032	Revenues, 2023-2032	Spending Subject to Appropriation, 2023-2027	Pay-As-You-Go Procedures Apply?	Long-Term Point of Order?	Mandates	Contact
S. 3381	Tribal Trust Land Homeownership Act of 2021	Ordered reported	05/18/22	450	0	0	Not estimated	No	No	No	Julia Aman

S. 3381 would establish requirements and a timeline for the Bureau of Indian Affairs (BIA) to process residential leasehold mortgages, business leasehold mortgages, and right-of-way documents. The bill also would establish a reedy ombudsman at BIA to ensure the agency is meeting all bill requirements and to serve as an agency intermediary with Indian tribes. Finally, the bill would require BIA and the Government Accountability Office to report to the Congress. CBO estimates that enacting S. 3381 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 3381 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 3381.

CHANGES IN EXISTING LAW

On February 11, 2021 the Committee unanimously approved a motion to waive subsection 12 of rule XXVI of the Standing Rules of the Senate. In the opinion of the Committee, it is necessary to dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.