

○ Certifications and disclosures.

B. *Amendments*: Recipients must provide written explanation and submit prior approval requests for budget or project plan revisions, reporting due date extensions, or other changes to approved award terms and conditions. The information provided by the recipient is used by the Service to determine the eligibility and allowability of activities and to comply with the requirements of 2 CFR 200.

C. *Reporting Requirements*: Reporting requirements associated with financial assistance awards generally include the following types of reports:

- Federal Financial Reports,
- Performance reports, and
- Real Property Status Reports, when applicable.

D. *Recordkeeping Requirements*: In accordance with 2 CFR 200.333, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of 3 years after the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity (in the case of a subrecipient) (unless an exemption as described in 200.333 applies that requires retention of records longer than 3 years).

### Proposed Revisions

*Consolidation of OMB Control No. 1018-0007 into 1018-0100*

The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 *et seq.*) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 *et seq.*, except 777e-1) provide authority for Federal assistance to the States for management and restoration of fish and wildlife. These Acts and the regulations in the Code of Federal Regulations (CFR) at 50 CFR 80, subpart D, require that States, territories, and the District of Columbia annually certify their hunting and fishing license sales. The Service's Wildlife and Sport Fish Restoration (WSFR) program currently collects those certifications under OMB Control No. 1018-0007, "Annual Certification of Hunting and Sport Fishing Licenses Issued, 50 CFR 80, Subpart D." The WSFR program continues to enhance use of their "Wildlife Tracking and Reporting Actions for the Conservation of Species (TRACS)" system to collect information electronically from financial assistance applicants and

recipients. As of Federal fiscal year 2021, WSFR will begin using TRACS to collect State license data and certifications electronically. As this control number includes the Wildlife TRACS system collection, in this revision we are consolidating the OMB Control No. 1018-0007 information collection requirements into this collection. If OMB approves this request, we will discontinue OMB Control Number 1018-0007.

Consolidation of OMB approvals for Service financial assistance-related collections into a single collection reduces burden on the public by ensuring consistency in the application and award administration processes across all Service financial assistance programs.

### *Foreign Aid Transparency and Accountability Act Compliance*

We have begun implementation of the enhanced results-oriented accountability requirements in the Foreign Aid Transparency and Accountability Act (Pub. L. 114-191), OMB guidance memorandum M-18-04, "Monitoring and Evaluation Guidelines for Federal Departments and Agencies that Administer United States Foreign Assistance," and OMB revisions to 2 CFR part 200 published August 13, 2020 (85 FR 49506). To meet the enhanced requirements, some programs may collect more performance information than previously collected.

*Title of Collection*: Administrative Procedures for U.S. Fish and Wildlife Service Financial Assistance Programs.  
*OMB Control Number*: 1018-0100.  
*Form Number*: None.

*Type of Review*: Revision of a currently approved collection.

*Respondents/Affected Public*: Individuals; commercial organizations; institutions of higher education; non-profit organizations; foreign entities; and State, local, and Tribal governments.

*Total Estimated Number of Annual Respondents*: 7,166.

*Total Estimated Number of Annual Responses*: 10,801.

*Estimated Completion Time per Response*: Varies from 3 hours to 203 hours, depending on the activity.

*Total Estimated Number of Annual Burden Hours*: 192,355.

*Respondent's Obligation*: Required to obtain or retain a benefit.

*Frequency of Collection*: On occasion.

*Total Estimated Annual Nonhour Burden Cost*: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information

unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: October 6, 2020.

**Madonna Baucum,**

*Information Collection Clearance Officer, U.S. Fish and Wildlife Service.*

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**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

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A0A501010.999900]

### HEARTH Act Approval of Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California Business and Residential Leasing Ordinance

**AGENCY**: Bureau of Indian Affairs, Interior.

**ACTION**: Notice.

**SUMMARY**: The Bureau of Indian Affairs (BIA) approved the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California (Tribe) leasing regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business and residential leases without further BIA approval.

**DATES**: This approval took effect on October 6, 2020.

**FOR FURTHER INFORMATION CONTACT**: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, [sharelene.roundface@bia.gov](mailto:sharelene.roundface@bia.gov), (505) 563-3132.

### SUPPLEMENTARY INFORMATION:

#### I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations,

including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

## II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. See 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation v. Thurston County*, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because “tax on the payment of rent is indistinguishable from an impermissible tax on the land.” See *Seminole Tribe of Florida v. Stranburg*, 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White*

*Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of “traditional notions of Indian self-government,” requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to “allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.” 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes “flexibility to adapt lease terms to suit [their] business and cultural needs” and to “enable [Tribes] to approve leases quickly and efficiently.” H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. See *Michigan v. Bay Mills Indian Community*, 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that “[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding”). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. See *id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. See 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA

surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

**Tara Sweeney,**

*Assistant Secretary—Indian Affairs.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–463 and 731–TA–1159 (Second Review)]

### Oil Country Tubular Goods From China; Scheduling of Expedited Five-Year Reviews

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the countervailing and antidumping duty orders on oil country tubular goods from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

**DATES:** July 6, 2020

**FOR FURTHER INFORMATION CONTACT:** Julie Duffy ((202)708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW,