

## **Secretary Bernhardt Signs Order Creating the Bureau of Trust Funds Administration**

U.S. Secretary of the Interior David L. Bernhardt recently signed Secretary's Order 3384 (Order) establishing the Bureau of Trust Funds Administration (BTFA). The BTFA will report to the Assistant Secretary - Indian Affairs Tara Katuk Sweeney and assume responsibility for financial operations functions currently performed by the Office of the Special Trustee for American Indians (OST) effective October 1, 2020.

Currently, OST receipts account for the disbursement of more than \$1 billion annually of trust monies and have more than \$5 billion under active day-to-day management and investment on behalf of tribes and individuals.

"The Trump Administration honors and respects our trust responsibility to tribes and American Indians," said Secretary Bernhardt.

The order is consistent with the Department's FY 2021 Budget proposal to ensure a smooth transition of important trust financial operations and other functions which have accrued to OST over time, along with related functions performed by the Land Buy-Back Program for Tribal Nations

and the Office of Historical Trust Accounting, to the BTFA. No additional changes are proposed, and no employee relocations or loss in positions would occur with this realignment.

The law that created OST, the American Indian Trust Fund Management Reform Act of 1994, envisioned that OST would be terminated after trust reforms had been completed. As the Indian trust management system was gradually reformed, however, it became apparent to Interior that going back to the old way of doing business was unacceptable. Issuance of this order is a critical step that will institutionalize and make permanent OST's best practices, improve communication and coordination and enhance Interior's ability to deliver services to Indian Country.

The mission of the Bureau of Trust Funds Management is to manage the financial assets of trust beneficiaries. This effort is integrally related to Interior's goal of meeting its responsibilities to American Indians. The BTFA carries out its mission in pursuit of the following vision: *We Excel, Native America Prospers*.

## **Assistant Secretary Sweeney Announces New Policy to Ensure Expedient Processing of Tribal HEARTH Applications**

Assistant Secretary – Indian Affairs Tara Sweeney recently announced a new internal policy governing how the Bureau of Indian Affairs (BIA) processes tribal applications under the "Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012" (HEARTH Act).

The new policy, which is codified in the Indian Affairs Manual, details the process for BIA review and approval of tribes' HEARTH regulations. The policy covers steps BIA will take from the moment of receipt in Central Office – when the 120-day statutory timeframe for review begins – to final approval and publication in the Federal Register. Under the policy, tribes will receive written acknowledgment of BIA's receipt of the application within three calendar days. The written acknowledgment will also state the due date of the 120-day review period and next steps. Tribes can then expect to hear directly from the HEARTH Act Coordinator to discuss any issues or recommendations.

The policy makes the review process as transparent as possible while institutionalizing the roles of each reviewer. Of particular importance is the description of the HEARTH Act Coordinator, who is assigned responsibility for shepherding

tribal applications through the review process and ensuring that timeframes are met. By centralizing the review of HEARTH applications, the policy also ensures that tribes will receive consistent, predictable review regardless of their BIA region or agency.

Once a tribe receives BIA approval for their HEARTH application, the tribe is authorized to negotiate and enter into leases without further approvals by the Secretary. Tribes may submit HEARTH applications for agricultural and business leases of tribal trust lands for a primary term of 25 years and up to two renewal terms of 25 years each. Leases of tribal trust lands for residential, recreational, religious or educational purposes may be executed for a primary term of up to 75 years. Interested tribes may submit their regulations by mail to:

U.S. Department of the Interior, Bureau of Indian Affairs  
Office of Trust Services, Deputy Bureau Director –  
Trust Services  
Attention: Division of Real Estate Services  
1849 C Street, N.W., MS-4620-MIB  
Washington, D.C. 20240 ♣