

S.3381 - Tribal Trust Land Homeownership Act of 2021

117th Congress (2021-2022) | [Get alerts](#)

Sponsor: [Sen. Thune, John \[R-SD\]](#) (Introduced 12/14/2021)

Committees: Senate - Indian Affairs

Committee Meetings: [02/16/22 2:30PM](#)

Latest Action: Senate - 12/14/2021 Read twice and referred to the Committee on Indian Affairs. (text: CR [S9162-9164](#)) ([All Actions](#))

Tracker: **Introduced** Passed Senate Passed House To President Became Law

Summary(0) **Text(1)** Actions(1) Titles(2) Amendments(0) Cosponsors(3) Committees(1) Related Bills(0)

There is one version of the bill.

Text available as: XML/HTML (28KB) | [XML/HTML \(new window\) \(22KB\)](#) | [TXT \(18KB\)](#) | [PDF \(245KB\)](#) (PDF provides a complete and accurate display of this text.) ?

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Introduced in Senate (12/14/2021)

117TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2021

Mr. THUNE (for himself, Ms. SMITH, Mr. ROUNDS, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tribal Trust Land Homeownership Act of 2021”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPLICABLE BUREAU OFFICE.**—The term “applicable Bureau office” means —

- (A) a Regional office of the Bureau;
- (B) an Agency office of the Bureau; or
- (C) a Land Titles and Records Office of the Bureau.

(2) **BUREAU.**—The term “Bureau” means the Bureau of Indian Affairs.

(3) **DIRECTOR.**—The term “Director” means the Director of the Bureau.

(4) **FIRST CERTIFIED TITLE STATUS REPORT.**—The term “first certified title status report” means the title status report needed to verify title status on Indian land.

(5) **INDIAN LAND.**—The term “Indian land” has the meaning given the term in section 162.003 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) **LAND MORTGAGE.**—The term “land mortgage” means a mortgage obtained by an individual Indian who owns a tract of trust land for the purpose of—

- (A) home acquisition;
- (B) home construction;
- (C) home improvements; or
- (D) economic development.

(7) **LEASEHOLD MORTGAGE.**—The term “leasehold mortgage” means a mortgage, deed of trust, or other instrument that pledges the leasehold interest of a lessee as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.

(8) **MORTGAGE PACKAGE.**—The term “mortgage package” means a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document submitted to an applicable Bureau office under section 3(a)(1).

(9) **RELEVANT FEDERAL AGENCY.**—The term “relevant Federal agency” means any of the following Federal agencies that guarantee or make direct mortgage loans on Indian land:

- (A) The Department of Agriculture.
- (B) The Department of Housing and Urban Development.
- (C) The Department of Veterans Affairs.

(10) **RIGHT-OF-WAY DOCUMENT.**—The term “right-of-way document” has the meaning given the term in section 169.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(11) **SUBSEQUENT CERTIFIED TITLE STATUS REPORT.**—The term “subsequent certified title status report” means the title status report needed to identify any liens against a residential, business, or land lease on Indian land.

SEC. 3. MORTGAGE REVIEW AND PROCESSING.

(a) REVIEW AND PROCESSING DEADLINES.—

(1) IN GENERAL.—As soon as practicable after receiving a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document, the applicable Bureau office shall notify the lender that the proposed residential leasehold mortgage, business leasehold mortgage, or right-of-way document has been received.

(2) PRELIMINARY REVIEW.—

(A) IN GENERAL.—Not later than 10 calendar days after receipt of a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document, the applicable Bureau office shall conduct and complete a preliminary review of the residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document to verify that all required documents are included.

(B) INCOMPLETE DOCUMENTS.—As soon as practicable, but not more than 2 calendar days, after finding that any required documents are missing under subparagraph (A), the applicable Bureau office shall notify the lender of the missing documents.

(3) APPROVAL OR DISAPPROVAL.—

(A) LEASEHOLD MORTGAGES.—Not later than 20 calendar days after receipt of a complete executed residential leasehold mortgage or business leasehold mortgage, proof of required consents, and other required documentation, the applicable Bureau office shall approve or disapprove the residential leasehold mortgage or business leasehold mortgage.

(B) RIGHT-OF-WAY DOCUMENTS.—Not later than 30 calendar days after receipt of a complete executed right-of-way document, proof of required consents, and other required documentation, the applicable Bureau office shall approve or disapprove the right-of-way document.

(C) LAND MORTGAGES.—Not later than 30 calendar days after receipt of a complete executed land mortgage, proof of required consents, and other required documentation, the applicable Bureau office shall approve or disapprove the land mortgage.

(D) REQUIREMENTS.—The determination of whether to approve or disapprove a residential leasehold mortgage or business leasehold mortgage under subparagraph (A), a right-of-way document under subparagraph (B), or a land mortgage under subparagraph (C)—

(i) shall be in writing; and

(ii) in the case of a determination to disapprove a residential leasehold mortgage, business leasehold mortgage, right-of-way document, or land mortgage shall, state the basis for the determination.

(E) APPLICATION.—This paragraph shall not apply to a residential leasehold mortgage or business leasehold mortgage with respect to Indian land in cases in which the applicant for the residential leasehold mortgage or business leasehold mortgage is an Indian tribe (as defined in subsection (d) of the first section of the Act of 1955 (69 Stat. 539, chapter 615; 126 Stat. 1150; [25 U.S.C. 415\(d\)](#))) that has been approved for leasing under subsection (h) of that section (69 Stat. 539, chapter 615; 126 Stat. 1151; [25 U.S.C. 415\(h\)](#)).

(4) CERTIFIED TITLE STATUS REPORTS.—

(A) COMPLETION OF REPORTS.—

(i) IN GENERAL.—Not later than 10 calendar days after the applicable Bureau office approves a residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document under paragraph (3), the applicable Bureau office shall complete the processing of, as applicable—

(I) a first certified title status report, if a first certified title status report was not completed prior to the approval of the residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document; and

(II) a subsequent certified title status report.

(ii) REQUESTS FOR FIRST CERTIFIED TITLE STATUS REPORTS.—Notwithstanding clause (i), not later than 14 calendar days after the applicable Bureau office receives a request for a first certified title status report from an applicant for a residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document under paragraph (1), the applicable Bureau office shall complete the processing of the first certified title status report.

(B) NOTICE.—

(i) IN GENERAL.—As soon as practicable after completion of the processing of, as applicable, a first certified title status report or a subsequent certified title status report under subparagraph (A), but by not later than the applicable deadline described in that subparagraph, the applicable Bureau office shall give notice of the completion to the lender.

(ii) FORM OF NOTICE.—The applicable Bureau office shall give notice under clause (i)—

(I) electronically through secure, encryption software; and

(II) through the United States mail.

(iii) OPTION TO OPT OUT.—The lender may opt out of receiving notice electronically under clause (ii)(I).

(b) NOTICES.—

(1) IN GENERAL.—If the applicable Bureau office does not complete the review and processing of mortgage packages under subsection (a) (including any corresponding first certified title status report or subsequent certified title status report under paragraph (4) of that subsection) by the applicable deadline described in that subsection, immediately after

missing the deadline, the applicable Bureau office shall provide notice of the delay in review and processing to—

(A) the party that submitted the mortgage package or requested the first certified title status report; and

(B) the lender for which the mortgage package (including any corresponding first certified title status report or subsequent certified title status report) is being requested.

(2) REQUESTS FOR UPDATES.—In addition to providing the notices required under paragraph (1), not later than 2 calendar days after receiving a relevant inquiry with respect to a submitted mortgage package from the party that submitted the mortgage package or the lender for which the mortgage package (including any corresponding first certified title status report or subsequent certified title status report) is being requested or an inquiry with respect to a requested first certified title status report from the party that requested the first certified title status report, the applicable Bureau office shall respond to the inquiry.

(c) DELIVERY OF FIRST AND SUBSEQUENT CERTIFIED TITLE STATUS REPORTS.—Notwithstanding any other provision of law, any first certified title status report and any subsequent certified title status report, as applicable, shall be delivered directly to—

(1) the lender;

(2) any local or regional agency office of the Bureau that requests the first certified title status report or subsequent certified title status report;

(3) in the case of a proposed residential leasehold mortgage or land mortgage, the relevant Federal agency that insures or guarantees the loan; and

(4) if requested, any individual or entity described in section 150.303 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(d) ACCESS TO TRUST ASSET AND ACCOUNTING MANAGEMENT SYSTEM.—Beginning on the date of enactment of this Act, the relevant Federal agencies and Indian Tribes shall have read-only access to the Trust Asset and Accounting Management System maintained by the Bureau.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than March 1 of each calendar year, the Director shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing—

(A) for the most recent calendar year, the number of requests received to complete residential leasehold mortgage packages, business leasehold mortgage packages, land mortgage packages, and right-of-way document packages (including any requests for corresponding first certified title status reports and subsequent certified title status reports), including a detailed description of—

(i) requests that were and were not successfully completed by the applicable deadline described in subsection (a) by each applicable Bureau office; and

(ii) the reasons for each applicable Bureau office not meeting any applicable deadlines; and

(B) the length of time needed by each applicable Bureau office during the most recent calendar year to provide the notices required under subsection (b)(1).

(2) REQUIREMENT.—In submitting the report required under paragraph (1), the Director shall maintain the confidentiality of personally identifiable information of the parties involved in requesting the completion of residential leasehold mortgage packages, business leasehold mortgage packages, land mortgage packages, and right-of-way document packages (including any corresponding first certified title status reports and subsequent certified title status reports).

(f) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes—

(1) an evaluation of the need for residential leasehold mortgage packages, business leasehold mortgage packages, land mortgage packages, and right-of-way document packages of each Indian Tribe to be digitized for the purpose of streamlining and expediting the completion of mortgage packages for residential mortgages on Indian land (including the corresponding first certified title status reports and subsequent certified title status reports); and

(2) an estimate of the time and total cost necessary for Indian Tribes to digitize the records described in paragraph (1), in conjunction with assistance in that digitization from the Bureau.

SEC. 4. ESTABLISHMENT OF REALTY OMBUDSMAN POSITION.

(a) IN GENERAL.—The Director shall establish within the Division of Real Estate Services of the Bureau the position of Realty Ombudsman, who shall report directly to the Secretary of the Interior.

(b) FUNCTIONS.—The Realty Ombudsman shall—

(1) ensure that the applicable Bureau offices are meeting the mortgage review and processing deadlines established by section 3(a);

(2) ensure that the applicable Bureau offices comply with the notices required under subsections (a) and (b) of section 3;

(3) serve as a liaison to other Federal agencies, including by—

(A) ensuring the Bureau is responsive to all of the inquiries from the relevant Federal agencies; and

(B) helping to facilitate communications between the relevant Federal agencies and the Bureau on matters relating to mortgages on Indian land;

(4) receive inquiries, questions, and complaints directly from Indian Tribes, members of Indian Tribes, and lenders in regard to executed residential leasehold mortgages, business leasehold mortgages, land mortgages, or right-of-way documents; and

(5) serve as the intermediary between the Indian Tribes, members of Indian Tribes, and lenders and the Bureau in responding to inquiries and questions and resolving complaints.