



October 2023

TRIBAL ISSUES

Bureau of Indian Affairs Should Take Additional Steps to Improve Timely Delivery of Real Estate Services

Reissued on November 6, 2023 to correct formatting errors that resulted in deleted text.

GAO Highlights

Highlights of [GAO-24-105875](#), a report to congressional addressees

Why GAO Did This Study

The Department of the Interior’s BIA plays a central role in delivering real estate services to Tribes and tribal citizens on certain lands. Specifically, the agency reviews and approves applications for several types of real estate transactions, including mortgages. BIA has regulatory and internal deadlines for approving real estate transactions.

This report examines (1) what BIA data indicate about processing times for delivering real estate services and the extent to which the agency met regulatory and internal deadlines for these services; (2) selected Tribes’ and others’ views on BIA’s timeliness and communication in delivering real estate services; and (3) steps BIA has taken to improve real estate services, and the extent to which BIA has assessed its processing times and communication.

GAO reviewed laws, regulations, policies, and guidance related to BIA’s real estate services; analyzed BIA data for fiscal years 2021 and 2022 (the most recent and complete); and interviewed agency officials and selected Tribes and tribal-serving organizations.

What GAO Recommends

GAO is making six recommendations, including that BIA (1) enhance the accuracy and completeness of data needed to measure processing times and deadlines and (2) assess its processing times and develop a plan for improvement. BIA agreed with these recommendations and stated it would develop a plan for overseeing the entry of real estate data, among other things.

View [GAO-24-105875](#). For more information, contact Anna Maria Ortiz at (202) 512-3841 or ortiza@gao.gov.

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Bureau of Indian Affairs Should Take Additional Steps to Improve Timely Delivery of Real Estate Services

What GAO Found

GAO’s analysis of the Bureau of Indian Affairs (BIA) mortgage data shows that the agency inconsistently met regulatory and internal deadlines for providing real estate services to Tribes and tribal citizens. For example, GAO found that BIA met the regulatory deadline to approve or disapprove mortgages of residential and business leases (called leasehold mortgages) within 20 days of receipt of a complete application about 72 percent of the time in fiscal years 2021 and 2022. BIA generally does not track the time an applicant spends completing an application, which can be time intensive.

Processed Leasehold Mortgages for Residential and Business Leases for Which BIA Met the Regulatory Deadline, Nationally, Fiscal Years 2021 and 2022

Regulatory deadline	Leasehold mortgages for residential and business leases that met deadline		Total number of processed leasehold mortgages for residential and business leases	Average (days)	Range (minimum – maximum (days))	Median (days)
	Percentage	Number				
Approve or disapprove within 20 days from receipt of complete application	72%	219	303	27	0–371	11

Source: GAO analysis of BIA (Bureau of Indian Affairs) Mortgage Tracker data, BIA documents, and regulations. | GAO-24-105875

GAO’s ability to analyze BIA’s data on other types of real estate transactions was hindered due to the agency’s having insufficient controls in place to ensure the accuracy and completeness of the data. For example, GAO found that a majority of approved applications for leases and rights-of-way (the legal right to go over or across land for a specific purpose, such as a road) did not contain the dates on which certain required steps in BIA’s review process occurred. Enhancing the accuracy and completeness of its data could increase BIA’s ability to determine whether it meets deadlines and how long it takes to deliver real estate services.

Selected Tribes and tribal-serving organizations cited concerns about BIA’s timeliness and communication in delivering real estate services. In particular, they told GAO that BIA’s lengthy processing times can adversely affect applicants and may disincentivize lending or investment on tribal lands. Tribes and others also indicated that BIA’s communication regarding the status of applications and other real estate matters can be untimely, unclear, or inconsistent—leading to frustration, delays, or other negative outcomes.

BIA has taken some steps to improve its delivery of real estate services, such as updating regulations and guidance. However, BIA has not comprehensively assessed its processing times, and it does not have a plan to identify or address areas for improvement. BIA also has insufficient performance measures to monitor and report on the processing times of its real estate services. Conducting an assessment of its processing times and developing a plan could help BIA monitor its progress in addressing challenges. In addition, BIA has not assessed the quality of its communication with Tribes and others regarding real estate services to determine whether the agency is meeting their needs.

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Abbreviations

BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BTFA	Bureau of Trust Funds Administration
HUD	U.S. Department of Housing and Urban Development
LTRO	Land Titles and Records Office
NEPA	National Environmental Policy Act of 1969
OMB	Office of Management and Budget
TAAMS	Trust Asset and Accountability Management System
TSR	title status report

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October 26, 2023

Congressional Addressees

The Department of the Interior’s Bureau of Indian Affairs (BIA) plays a central role in delivering real estate services to Tribes¹ and tribal citizens² for trust and restricted fee lands as a result of requirements in federal laws and regulations.³ These services include reviewing and approving applications for mortgages; residential and business leases; and rights-of-way, which we refer to as real estate transactions.⁴ BIA’s timeliness in delivering these services is key to Tribes’ and tribal citizens’ success in realizing their housing and economic development goals.⁵ For example, before a tribal citizen can obtain a mortgage to purchase a home on their

¹For the purposes of this report, “Tribes” refers to Indian Tribes that have been federally recognized. As of September 2023, there are 574 federally recognized Tribes. 88 Fed. Reg. 2112 (Jan. 12, 2023).

²BIA regulations that govern the leasing of, and rights-of-way across, trust and restricted fee lands define “Indian” as (1) any person who is a member of any Indian Tribe, is eligible to become a member of any Indian Tribe, or is an owner of a trust or restricted fee interest in land as of October 27, 2004; (2) all persons of Indian descent who are members of any recognized Indian Tribe now under federal jurisdiction and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and all other persons of one-half or more Indian blood; and (3) any person who owns a trust or restricted fee interest in a parcel of such land in California in certain circumstances. 25 C.F.R. §§ 162.003, 169.2. For the purposes of this report, we refer to individuals who meet this regulatory definition as “tribal citizens.”

³Trust land is owned by the federal government and held in trust for a Tribe or tribal citizen(s), who are the beneficial owners. Restricted fee land is owned by a Tribe or tribal citizen(s) and has restrictions against alienation or encumbrance.

⁴A right-of-way is an easement or legal right to go over or across land for a specific purpose—including building and operating a road or a line for utilities such as water, sewer, or electricity—but does not include service lines. A service line is a utility line running from a main line, transmission line, or distribution line that is used only for supplying telephone, water, electricity, gas, internet service, or other utility service to a house, business, or other structure.

⁵For the purposes of this report, “application” for a mortgage, lease, or right-of-way refers to the package of documents that an applicant or lender is required to provide BIA for the agency to review and approve the real estate transaction. For example, applications for residential and business leases must include, among other things, reports, surveys, and site assessments as needed to facilitate compliance with applicable federal environmental and land use requirements, as well as a tribal authorization for leases and written consent of a certain percentage of tribal citizens with interest on the land.

trust or restricted fee lands, they generally must use BIA services and obtain BIA approval.

By policy, BIA is to assist tribal citizens with home ownership and economic development; make decisions regarding trust lands that are in the best interest of tribal citizen landowners; and to process mortgages, business leases, and rights-of-way in an accurate, standardized, and timely manner, in compliance with all applicable regulations and standards.⁶ BIA is also responsible for communicating with applicants and others, such as lenders and title companies, regarding the status of an application for a real estate transaction.

BIA's review and approval process was designed, in part, to protect the ownership interests of Tribes and tribal citizens in trust and restricted fee lands. However, this process is rigorous and often time intensive, requiring additional steps for real estate transactions that are not required for those who live or operate businesses on other types of land. For example, it can take a tribal citizen as long as 2 years or more to obtain a mortgage on trust land, largely due to BIA's review process, according to testimony provided by the Governor of the Pueblo of Isleta to the Senate Committee on Indian Affairs at a 2019 hearing.⁷ By contrast, the mortgage process on lands that are not trust or restricted fee lands typically occurs within 40 days, according to Native Community Capital, a community development financial institution serving Tribes and tribal citizens.

Any delays that occur while working with BIA affect Tribes and tribal citizens' ability to productively use and develop their lands. These delays may impede efforts to address persistent, significant challenges related to housing and economic development—including a lack of affordable housing, inadequate plumbing and electricity, high rates of poverty and unemployment, and barriers to tribal business development. For example, in 2022, we reported that obtaining approval from the Secretary of the Interior for economic development projects, such as energy or natural resource development on trust land, can delay projects and make them

⁶Department of the Interior, Indian Affairs, *Indian Affairs Manual*, Part 52, Chapter 4, *Real Estate Services: Processing Mortgages of Trust Properties* (Washington, D.C.: Oct. 17, 2018); Part 52, Chapter 14, *Real Estate Services: Business Leases* (Washington D.C.: Sept. 30, 2021); and Part 52, Chapter 9, *Real Estate Services: Processing Rights-of-Way* (Washington D.C.: Oct. 21, 2021).

⁷*Lending Opportunities: Opening the Door to Homeownership in Indian Country*, Committee on Indian Affairs, United States Senate, Oct. 16, 2019, S. Hrg. 116-150.

less attractive to investors or even cause investors to pull out.⁸

Furthermore, some tribal citizens may choose to avoid living on trust and restricted fee lands altogether so that they can move into a home more quickly—a decision that may result in tribal citizens living farther than desired from their reservation, family, and tribal services.⁹

BIA has regulatory and internal deadlines for meeting specific steps in the agency's process for reviewing and approving applications for real estate transactions.¹⁰ Nevertheless, Tribes and others involved in these transactions—such as lenders, title companies, and other tribal-serving organizations—have expressed concerns about BIA's ability to deliver real estate services in a timely manner.¹¹

We prepared this report under the authority of the Comptroller General to evaluate BIA's timeliness and communication in delivering real estate services. This report examines (1) what BIA data indicate about its processing times for delivering real estate services and the extent to which the agency met regulatory and internal deadlines for these services;¹² (2) selected Tribes' and stakeholders' views on BIA's timeliness and communication in delivering real estate services;¹³ and (3) steps BIA has taken to improve real estate services, and the extent to which BIA has assessed its processing times and communication.

To address all three objectives, we conducted a literature search and review related to Interior real estate services for Tribes and tribal citizens.

⁸GAO, *Tribal Economic Development: Action Is Needed to Better Understand the Extent of Federal Support*, [GAO-22-105215](#) (Washington, D.C.: Aug. 30, 2022).

⁹An Indian reservation is land set aside for the residence or use of a Tribe or Tribes by treaty, federal law, or executive order.

¹⁰Regulatory deadlines are legal requirements that are binding and enforceable. Internal deadlines are established in BIA policy and guidance and are not binding or enforceable.

¹¹For the purposes of this report, real estate "transactions" refer to a leasehold or land mortgage, a residential or business lease, or a right-of-way for trust or restricted fee land that must be submitted to BIA for review and approval. Real estate "services" refer to certain types of services (i.e., assistance with real estate transactions or the review and approval of a transaction) that BIA provides to Tribes, applicants, and others.

¹²In our analysis of BIA data, processing times refer to the overall length of time it took BIA to process a real estate transaction from the date that the agency received an application to the date that recorded documentation for the approved transaction was returned to the applicant or lender.

¹³Throughout this report, we refer to entities that provide financial or other assistance to Tribes and their citizens regarding real estate as "stakeholders."

We also reviewed our relevant prior work,¹⁴ along with others' related testimonies before the Senate Committee on Indian Affairs.¹⁵

To evaluate what BIA data indicate about processing times for delivering real estate services and the extent to which the agency met regulatory and internal deadlines for these services, we analyzed BIA data on applications for leasehold and land mortgages, residential and business leases, and rights-of-way that BIA approved in fiscal years 2021 and 2022. We also analyzed BIA data on requests for title status reports (TSR) that were fulfilled in fiscal years 2018 through 2022.¹⁶

Specifically, we analyzed certain data from BIA's Mortgage Tracker, a spreadsheet used by agency staff to track the processing of leasehold and land mortgage applications.¹⁷ We analyzed applications for leasehold mortgages of residential and business leases and land mortgages of tribal citizens' trust or restricted fee lands for residential, business, and agricultural purposes that BIA received and approved in fiscal years 2021 and 2022. Throughout this report, we refer to leasehold mortgages of residential and business leases as "leasehold mortgages" and land

¹⁴GAO, *Tribal Programs: Actions Needed to Improve Interior's Management of Trust Services*, [GAO-23-105356](#) (Washington, D.C.: Apr. 27, 2023); *COVID-19 Relief Funds: Lessons Learned Could Improve Future Distribution of Federal Emergency Relief to Tribal Recipients*, [GAO-23-105473](#) (Washington, D.C.: Dec. 15, 2022); [GAO-22-105215](#); *Tribal Broadband: National Strategy and Coordination Framework Needed to Increase Access*, [GAO-22-104421](#) (Washington, D.C.: June 22, 2022); *Native American Veterans: Improvements to VA Management Could Help Increase Mortgage Loan Program Participation*, [GAO-22-104627](#) (Washington, D.C.: Apr. 19, 2022); and *Native American Housing: Additional Actions Needed to Better Support Tribal Efforts*, [GAO-14-255](#) (Washington, D.C.: Mar. 27, 2014).

¹⁵S.3381: *Tribal Trust Land Homeownership Act of 2021*, Testimony of Sharon Vogel, Executive Director, Cheyenne River Housing Authority, Committee on Indian Affairs, United States Senate, Feb. 16, 2022; *Lending Opportunities: Opening the Door to Homeownership in Indian Country*, Committee on Indian Affairs, United States Senate, Oct. 16, 2019, S. Hrg. 116-150; *Building Out Indian Country: Tools for Community Development*, Committee on Indian Affairs, United States Senate, April 10, 2019, S. Hrg. 116-6; and *Accessing Capital in Indian Country*, Committee on Indian Affairs, United States Senate, June 17, 2015, S. Hrg. 114-97.

¹⁶A TSR is a document issued after a title examination that shows, among other things, the current ownership of, land status of, and encumbrances on a property as indicated by the record of title maintained by BIA's Land Titles and Records Offices (LTRO).

¹⁷The Mortgage Tracker contained only leasehold mortgages of residential and business leases, and land mortgages for residential, business, and agricultural purposes. Leasehold mortgages for other types of leases (e.g., wind and solar leases) and other types of land mortgages were outside the scope of our review.

mortgages of tribal citizens' trust or restricted fee lands for residential, business, and agricultural purposes as "land mortgages."

For residential and business leases, rights-of-way, and TSRs, we analyzed data extracted from BIA's Trust Asset and Accounting Management System (TAAMS), the system of record for title and land ownership data for land held in trust by the United States for Tribes and tribal citizens. We interviewed knowledgeable BIA officials to understand the Mortgage Tracker and TAAMS data fields, how the agency uses the data, and the sources of any data errors. We determined some of these data to be sufficiently reliable for the purpose of determining whether BIA met regulatory deadlines and internal deadlines, as well as for presenting summary information on BIA's average, median, minimum, and maximum time frames for processing mortgages, residential and business leases, rights-of-way, and TSRs. We provide more detail on the data we found to be unreliable later in this report.

To obtain BIA's views on factors affecting processing times, we interviewed officials from BIA central offices responsible for oversight or policy related to real estate services. We also interviewed a nongeneralizable sample of 12 BIA field offices (such as regional offices) in three regions that provide direct real estate services to Tribes and their citizens.

To describe Tribes' and stakeholders' views on BIA's timeliness and communication in delivering real estate services, we interviewed a nongeneralizable sample of five federally recognized Tribes. We selected these Tribes, in part, for their experience with BIA in processing real estate transactions and to represent a range of geographic areas served by different BIA regions. We also interviewed representatives from eight entities (stakeholders) that serve Tribes and tribal citizens in various ways regarding real estate, including the U.S. Department of Housing and Urban Development (HUD), the Federal Reserve Bank of Minneapolis' Center for Indian Country Development, a Native community development financial institution, a national association of title insurance professionals, and four other organizations that provide financial or other assistance to Tribes and their citizens regarding real estate.

To evaluate steps BIA has taken to improve real estate services, and the extent to which BIA has assessed its processing times and communication, we reviewed BIA regulations, policies, guidance, and other agency documents. We also interviewed officials from BIA central offices as well as the nongeneralizable sample of BIA field offices in three

regions to obtain information on performance measures and other internal measures used by the agency. In addition, we reviewed federal standards for internal control to identify best practices for using quality information and evaluating performance.¹⁸ Furthermore, we reviewed Interior’s strategic plans and other BIA documentation on performance measures that the agency tracked internally. For a fuller description of our scope and methodology, see appendix I.

We conducted this performance audit from March 2022 to October 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Land Types and Real Estate Transactions That BIA Reviews and Approves

According to BIA, the federal government holds about 57 million acres in trust for Tribes (as tribal trust land), as of 2023. Further, more than 10 million acres are held in trust for tribal citizens (as individual trust land), as of 2022. See table 1 for definitions of trust and restricted fee lands.

Table 1: Definition of Trust and Restricted Fee Land

Land type	Definition
Trust land	The United States holds the legal title to this land for the benefit of a federally recognized Tribe or tribal citizen. Trust land cannot be transferred (e.g., sold, gifted, or subdivided) or encumbered (e.g., mortgaged or leased) without the approval of the Secretary of the Interior. ^a
Restricted fee land	A Tribe or tribal citizen holds the legal title to this land, subject to restrictions on transfers and encumbrances. ^a Restricted fee land cannot be transferred or encumbered without the approval of the Secretary of the Interior.

Source: Federal statutes. | GAO-24-105875

^aIn addition, tribal land cannot be transferred without specific statutory authority. 25 U.S.C. § 177; 25 C.F.R. § 152.22(b).

¹⁸GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

BIA is generally responsible for reviewing and approving applications for real estate transactions on tribal and individual trust and restricted fee lands, as shown in table 2, because of legal requirements, in part, designed to retain the land for the use and benefit of Tribes and tribal citizens. These transactions include mortgages, residential and business leases, and rights-of-way. BIA is generally responsible for recording these transactions in the official federal record after they are approved.¹⁹ BIA also provides a key supporting document for real estate transactions, called a TSR, which describes, among other things, the proper legal description of a tract of Indian land, current land ownership, and any encumbrances on the land (such as a mortgage or easement).²⁰ BIA issues a certified TSR to the lender or applicant following approval of a real estate transaction, such as a mortgage, lease, or right-of-way.

¹⁹In this context, recording refers to acceptance of a title document and its entry into BIA's repository of title documents for Indian land. An official stamp affixed to the title document provides evidence that the title document has been recorded.

²⁰A TSR is created by a BIA examiner who reviews related ownership documents and information. Certified TSRs from BIA are needed for underwriting mortgages, as well as for selling these mortgages in the secondary market.

Table 2: Examples of Real Estate Transactions on Trust and Restricted Fee Lands That Are Reviewed and Approved by the Bureau of Indian Affairs (BIA)

Real estate transaction	Description	Examples of use
Land mortgage	Pledges an interest in land as security for a debt or other obligation owed by the landowner to a lender or other mortgagee.	Tribal citizens may seek a mortgage loan from a lender to purchase or build a home on their trust or restricted fee land.
Leasehold mortgage	Pledges a lessee's leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.	Tribes and tribal citizens may seek a mortgage loan from a lender to purchase or build a home on tribal or individual trust or restricted fee lands that they have leased. With this mortgage type, Tribes or their citizens cannot lose their interest in the land if there is a default on the mortgage. Tribes and their citizens can also lease trust and restricted fee land to other parties, who can then use their leasehold interest as collateral for a loan, with the approval of the Secretary of the Interior.
Business lease	A written contract between a Tribe or tribal citizen (lessor) and a business (lessee) who wants to use the Tribe's or individual's property for their operations. The lessee pays rent to the lessor and is given the right to possess the property for a specific time period.	Includes commercial or industrial leases for retail, office, or manufacturing or other business purposes and leases for religious, educational, recreational, or other public purposes, either of which may be for developed or undeveloped land.
Residential lease	A written contract between a Tribe or tribal citizen (lessor) and a tenant (lessee). The lessee pays rent to the lessor and is given the right to live on the property for a specific time period.	Generally includes leases for single-family residences and housing for public purposes, either of which may be for developed or undeveloped land.
Right-of-way	An easement or a legal right to go over or across land for a specific purpose. ^a	May be used when building or constructing a road or electrical transmission lines.

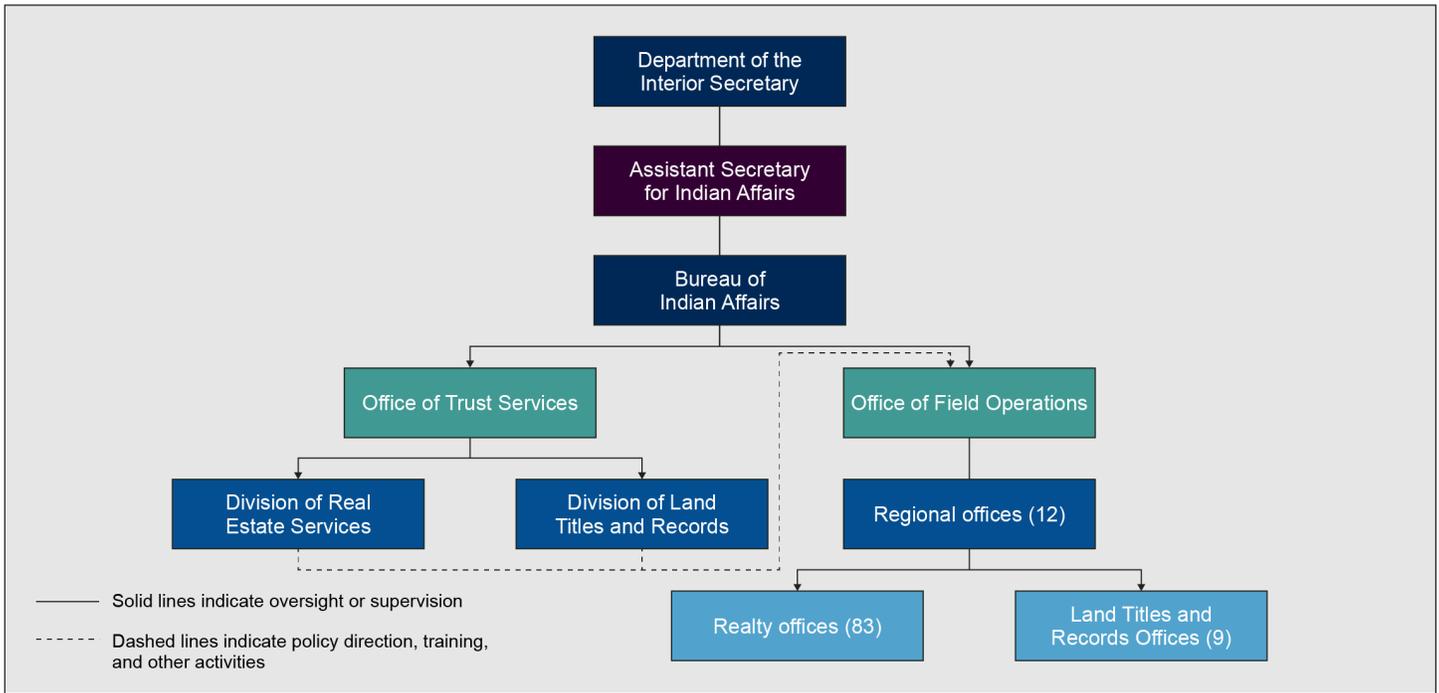
Source: GAO analysis of BIA regulations and documents. | GAO-24-105875

^aRights-of-way are required for, among other things, water and sewer lines, oil and gas pipelines, telecommunications lines, and electric transmission and distribution lines over and across trust and restricted fee land. However, rights-of-way do not include service lines. A service line is a utility line running from a main line, transmission line, or distribution line that is used only for supplying telephone, water, electricity, gas, internet service, or other utility service to a house, business, or other structure.

BIA Offices and Divisions with Responsibilities Related to Real Estate Services

BIA, which reports to Interior's Office of the Assistant Secretary for Indian Affairs, has several offices and divisions that carry out activities in support of real estate services by providing policy direction, technical assistance, training, and reviewing and approving real estate transactions (see fig. 1).

Figure 1: Key Bureau of Indian Affairs (BIA) Offices and Divisions with Responsibilities Related to Real Estate Services



Source: GAO analysis of BIA organizational charts. | GAO-24-105875

Note: The figure does not include all BIA offices and divisions.

BIA’s Office of Trust Services is responsible for managing trust and restricted fee lands, among other actions. Within this office, two key divisions for delivering real estate services are the Division of Real Estate Services and the Division of Land Titles and Records, which we refer to in this report as central offices. These two central offices are responsible for developing policies, guidance, and training for the field offices that deliver real estate services, as follows:

- **Division of Real Estate Services.** Provides policy direction to field offices through the Office of Field Operations, as well as provides oversight of real estate transactions, such as mortgages, leases, and rights-of-way, among other things.
- **Division of Land Titles and Records.** Maintains, records, and certifies all documents affecting title to trust and restricted fee lands, as well as land title ownership and encumbrance on these lands. This division also maintains the documentation and title image repository

for TAAMS and provides guidance to the Land Titles and Records Offices (LTRO).

A third central office that is key for delivering real estate services is BIA's Office of Field Operations, which oversees 12 regional offices that, in turn, provide oversight and supervision to 83 "agency" offices (also called Realty offices) and nine LTROs. Collectively, these Realty offices process real estate transactions. Typically, Realty offices are the field offices that interface with Tribes, tribal citizens, and other relevant parties. For example, a Realty office may respond to an inquiry by an applicant or lender on the status of an application or TSR request. Realty offices are also responsible for most of the steps in reviewing and approving applications. These offices also accept applications for real estate transactions, assess whether such applications are complete, respond to applicants to acknowledge receipt, evaluate the applications, and prepare the application for the Superintendent or Regional Director to approve or disapprove.

By contrast, LTROs do not generally interface with the public. Instead, these offices maintain title documents for tribal and tribal citizens' trust and restricted fee land, similar to how counties and other localities maintain title documents for land within their jurisdictions. LTROs fulfill requests for TSRs from Realty offices, which act on behalf of Tribes and other relevant parties. However, unlike county and local recording offices, LTRO records are not publicly available.²¹

Requirements for Submission of a Complete Real Estate Application to BIA

Before BIA can review and approve a real estate transaction, applicants must submit a complete application to the agency. BIA regulations specify the requirements for a complete application for leasehold mortgages, residential and business leases or rights-of-way.²² If needed, BIA may assist applicants in preparing these applications. Completing these requirements may be time intensive. Examples of these requirements include

²¹LTROs' records are not publicly available because they are in BIA's system of record, TAAMS, which has personally identifiable information—such as names, addresses, phone numbers, and Social Security numbers—and the Privacy Act of 1974 limits the disclosure of personal information maintained in federal agencies' systems of record. In addition, according to BIA officials, BIA serves a different purpose from a county recording office, including managing tribal citizens' inheritance records, and has a different duty because it must certify the accuracy of title.

²²In addition to these federal requirements, Tribes may impose requirements on the use of land under their jurisdiction that applicants would also need to satisfy.

-
- **obtaining consent.** All applicants are generally required to obtain consent for the transaction from the Tribe and tribal citizen landowner(s). For example, tribal authorization—via a tribal resolution—for real estate transactions on tribal trust and restricted fee land is required. For land that is individually owned by tribal citizens, applicants must obtain the consent of a certain percentage of the landowners for the transaction;²³
 - **negotiating the lease or right-of-way.** Applicants are generally required to negotiate the terms of the residential or business lease or right-of-way with the landowner(s), although tribal citizens can request BIA’s assistance with the negotiations;
 - **applying for a mortgage.** Applicants for a leasehold or land mortgage must contact a lender to begin the loan application process;
 - **collecting and submitting supporting documents.** All applicants are required to submit reports, surveys, and site assessments, as needed, to facilitate compliance with applicable federal environment and land use requirements, such as the National Environmental Policy Act of 1969 (NEPA), as amended, as discussed below;
 - **obtaining a survey.** For rights-of-way, applicants are required to submit a legal description of the right-of-way and its boundaries and land survey, which may require review by a Bureau of Land Management’s (BLM) Indian Land Surveyor. BIA’s Rights-of-Way Handbook recommends taking this step early in the process due to a possible backlog of pending reviews by BLM surveyors; and
 - **obtaining an appraisal.** Applicants may need to obtain an appraisal so BIA can determine the fair market value for the transaction.²⁴ These appraisals may be prepared by Interior’s Appraisal Valuation Service Office or, if the applicant has one prepared by an independent appraiser, must be reviewed by that office. The time associated with the appraisal process varies, and some of these offices have backlogs as a result of high workload, appraisal complexity, and a limited

²³One parcel of land may have “fractional” land interests held by multiple landowners. Having multiple landowners can lead to difficulties in managing or using the land, including executing real estate transactions. One Tribe we spoke with described an example where a tribal citizen had to collect the signatures of more than 300 citizens to initiate the transaction.

²⁴BIA uses appraisals, market analyses, or other appropriate valuation methods to determine fair market value. Valuations may not be required in certain circumstances, such as for residential leases of tribal land for housing for public purposes and when the Tribe or individual landowner waives the requirement.

number of staff, according to officials from the Appraisal Valuation Service Office we interviewed.

BIA's Review and Approval of Real Estate Transactions

Once BIA has determined an application for a mortgage, lease, or right-of-way to be complete, BIA regulations, policies, or guidance establish the steps for BIA's review and approval of the application and issuance of a TSR. BIA regulations establish specific deadlines for the agency to complete certain steps in reviewing and approving complete applications for most of these real estate transactions, while agency policies and guidance set additional, internal deadlines.

While the specific steps in BIA's process vary by transaction type, BIA's review and approval process of a real estate transaction typically has five steps. The first three steps of BIA's review and approval process generally include

1. receipt of application materials,
2. review of materials to ensure the application is complete, and
3. approval or disapproval of the application.

BIA staff and regional offices may provide assistance at various points during the above steps—for example, by conducting preliminary discussions with a prospective applicant, providing assistance in completing the application and obtaining supporting materials, and assisting with drafting written agreements (e.g., a lease). In addition, during these steps in the process, BIA's Division of Environmental Services and Cultural Resources Management coordinates the analysis required by NEPA, as amended, and certain other laws.²⁵

If an application is approved, BIA's last two steps include

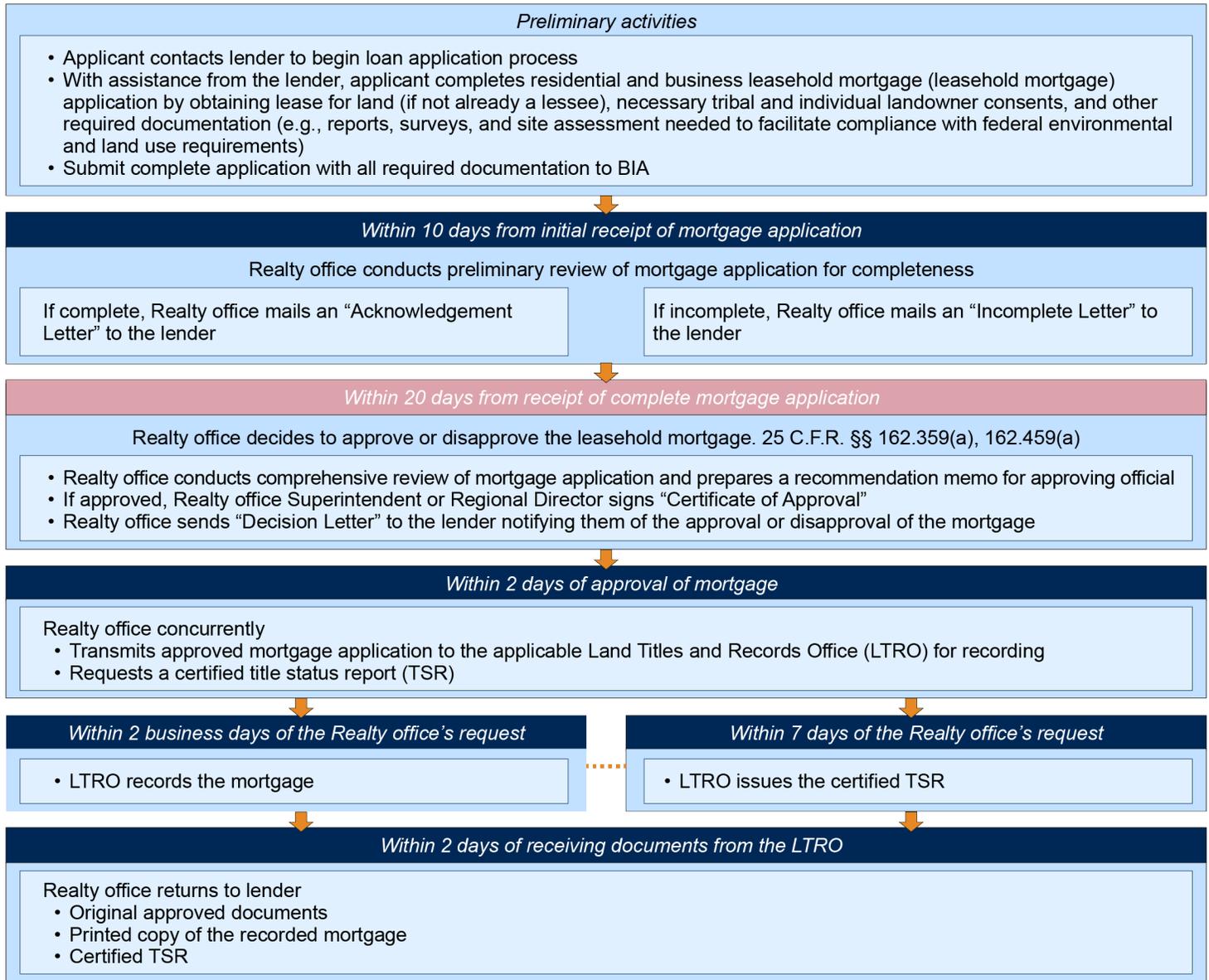
4. recording of transaction details (e.g., land details and transaction terms) and documents (e.g., copy of the survey, lease, right-of-way, and other pertinent documents), and issuance of a certified TSR; and

²⁵NEPA requires BIA to consider the environmental effects of major federal actions by preparing an environmental assessment or environmental impact statement, unless the agency finds that a categorical exclusion applies. Categorical exclusions are categories of activities that BIA has already determined have no significant environmental effect. Regulations encourage agencies to integrate the NEPA process with other planning and authorization processes at the earliest reasonable time to, among other things, avoid delays later in the process. 40 C.F.R. § 1501.2(a). BIA is also subject to requirements under the National Historic Preservation Act of 1966, as amended, and the Endangered Species Act of 1973, as amended.

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5. final internal actions (e.g., BIA recordkeeping and, for mortgages, transmitting the approved and recorded application and certified TSR to the lender).

See fig. 2 for the major steps involved in BIA's process to review and approve a leasehold mortgage of a residential or business lease. See appendix II for the major steps involved in BIA's processes to review and approve a residential and business lease or right-of-way and issue a TSR.

Figure 2: Bureau of Indian Affairs' (BIA) Process to Review and Approve Applications for a Leasehold Mortgage for Business and Residential Leases



Regulatory deadline Internal BIA deadline

Source: GAO summary of BIA documents. | GAO-24-105875

Other federal agencies may also be involved in a real estate transaction, such as HUD with its home loan guarantee program or the Indian Health Service if water infrastructure is needed as part of the transaction.²⁶

In some instances, Tribes have assumed responsibility or been granted authority from the Secretary of the Interior for some of the steps in the process. Specifically:

- **Indian Self-Determination and Education Assistance Act, as amended.** This law authorizes the Secretary of the Interior to enter into self-determination contracts and self-governance compacts with Tribes to assume administration of certain programs from the department.²⁷ This can include assuming responsibility for recording mortgages, leases, and rights-of-way—although BIA would still be responsible for approving them.
- **HEARTH Act of 2012.**²⁸ This law authorizes Tribes to issue leases, including residential and business leases, on tribal trust and restricted fee lands without secretarial approval if the Secretary of the Interior has approved a Tribe’s leasing regulations. However, BIA is still responsible for recording such transactions, unless the Tribe has a self-determination contract or self-governance compact that includes the recording function.

²⁶HUD’s Section 184 Indian Home Loan Guarantee (Section 184) program was established in 1992 to encourage private lenders to make home loans to Native Americans on eligible lands. Through this program, HUD provides a 100 percent guarantee to lenders and makes lenders whole in the event of a borrower’s default. In this manner, the guarantee is intended to encourage lenders to serve a population that has traditionally been viewed as high risk and in areas, such as Indian reservations, that have had difficulty attracting private capital because of their remoteness and land status.

²⁷Pub. L. No. 93-638, 88 Stat. 2203 (codified as amended at 25 U.S.C. §§ 5301-5423).

²⁸Pub. L. No. 112-151, 126 Stat. 1150 (codified at 25 U.S.C. § 415(h)). The HEARTH Act of 2012 is also known as the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012. In addition to this law, other laws authorize specific Tribes to lease their trust and restricted fee land without secretarial approval.

BIA Inconsistently Met Deadlines for Mortgages and TSRs and Cannot Reliably Assess Processing Times of Other Real Estate Services

BIA Inconsistently Met Deadlines for Processing Mortgages, Issuing TSRs, and Recording of Leases and Rights-of-Way

Analysis of available data indicates that BIA inconsistently met regulatory and internal deadlines for processing mortgages, issuing TSRs, and recording of leases and rights-of-way. To assess the agency's processing times for mortgages and TSR requests²⁹—as well as the extent to which BIA met established deadlines³⁰—we analyzed data from two BIA real estate transaction tracking systems, the Mortgage Tracker and TAAMS.³¹ These two systems allow the agency to assess the agency's processing times for real estate transactions and whether deadlines were met, on a comprehensive, national scale. In general, these systems track the dates that BIA completed steps in its review and approval process for real estate transactions, beginning with the date that the agency initially received an application. However, as previously noted, certain preapplication steps can be time intensive. Because these steps occur before an application is received or considered complete, they do not influence the deadlines or overall calculations of processing times shown below.

²⁹In our analysis of BIA data, processing times refer to the overall length of time it took BIA to process a real estate transaction from the date that the agency received a completed application for the transaction to the date that recorded documentation for the approved transaction was returned to the applicant or lender. Similarly, our analysis of BIA processing times for TSRs refers to the overall length of time it took BIA to complete a request for a TSR from the date that the request was made to the date that the request was completed.

³⁰As previously noted, regulatory deadlines are legal requirements and, therefore, are binding and enforceable, whereas internal deadlines established in BIA policy and guidance are not legal requirements and, thus, are not binding nor enforceable.

³¹For additional analyses of Mortgage Tracker and TAAMS data, including measurement of deadlines and processing times by BIA regional Realty office and LTRO, see app. III.

Leasehold and Land Mortgages

Our analysis of BIA's Mortgage Tracker data shows that BIA inconsistently met deadlines for processing applications for two types of mortgages: leasehold mortgages and land mortgages. According to our analysis, 357 leasehold mortgages and 127 land mortgages were processed by BIA—meaning that they were received and approved by the agency and then returned to the lender as the final step in the process—in fiscal years 2021 and 2022. A multistep review process with deadlines exists for leasehold and land mortgages on trust and restricted fee land. For leasehold mortgages, this process and deadlines are established in both regulations and BIA guidance; for land mortgages, the process and deadlines are established in BIA guidance.

We found that BIA met the regulatory deadline for about 72 percent of leasehold mortgages (219 of 303 applications) that BIA processed in fiscal years 2021 and 2022.³² The regulation requires the agency to approve or disapprove leasehold mortgages for residential and business leases within 20 days from the date that BIA received the complete application (see table 3).³³ In contrast, BIA did not meet some internal deadlines consistently. For example, we found that 55 percent of processed leasehold mortgages (180 of 327) met the 2-day deadline for BIA to return the recorded mortgage and related documents, including the certified TSR, to the lender after the LTRO completed the recording.³⁴

³²Of the 357 leasehold mortgages that were processed by BIA in fiscal years 2021 and 2022, we excluded 54 from our analysis because they had missing or nonchronological data for either of the two date fields needed to assess whether this deadline was met.

³³If BIA does not meet this deadline, BIA's regulations allow applicants to file a written notice to compel action on the application by the Regional Director. 25 C.F.R. §§ 162.363(b), 162.463(b). BIA does not have data on the number of these notices that have been filed.

³⁴Of the 357 leasehold mortgages that were processed by BIA in fiscal years 2021 and 2022, we excluded 30 from this analysis because they had missing or nonchronological data for either of the two date fields needed to assess whether this deadline was met.

Table 3: Processed Leasehold Mortgages for Residential and Business Leases (Leasehold Mortgages) for Which BIA Met Regulatory or Internal Deadlines, Nationally, Fiscal Years 2021 and 2022

Deadline (regulatory or internal)	Leasehold mortgages that met deadline		Total number of processed leasehold mortgages ^a	Average (days)	Range (minimum – maximum days)	Median (days)
	Percent	Number				
10 days after receipt of a leasehold mortgage application, Realty is to mail a letter acknowledging receipt of a complete application (internal). ^b	76%	212	279	20	0–413	5
10 days after receipt of a leasehold mortgage application, Realty is to mail a letter acknowledging receipt of an incomplete application (internal). ^b	53%	27	51	17	0–140	9
Realty conducts a comprehensive review of the application within 20 days of receipt of complete application (internal). ^c	87%	292	334	18	0–371	5
Realty approves or disapproves the leasehold mortgage of a business or residential lease within 20 days from receipt of complete application (regulatory). ^d	72%	219	303	26	0–371	11
Realty transmits approved mortgage application documents to the Land Titles and Records Office (LTRO) for recording within 2 days of approval (internal). ^c	74%	262	353	4	0–170	1
LTRO records application documents within 2 business days of request from Realty (internal). ^e	71%	252	355	3	0–67	1
LTRO issues a certified title status report (TSR) within 7 days of receipt of request from Realty (internal). ^f	58%	204	352	18	0–376	6
Realty returns the recorded application documents and certified TSR to the lender within 2 days of receipt from LTRO (internal). ^c	55%	180	327	5	0–190	1

Source: GAO analysis of Bureau of Indian Affairs (BIA) Mortgage Tracker data, BIA documents, and regulations. | GAO-24-105875

^aWe found that 357 leasehold mortgages for residential and business leases (leasehold mortgages) were processed by BIA—meaning that they were received and approved by the agency, then returned to the lender as the final step in the process—in fiscal years 2021 and 2022. Mortgage applications that did not have sufficient data for measurement against the deadline—meaning that related date fields were either missing or nonchronological—are excluded from our analysis and, therefore, do not appear in the table above.

^bDepartment of the Interior, Bureau of Indian Affairs, Office of Trust Services, *Indian Affairs Mortgage Handbook*, 52 IAM 4-H (Washington, D.C.: July 2019).

^cDepartment of the Interior, Bureau of Indian Affairs, *Indian Affairs Manual, Real Estate Services, Processing Mortgages of Trust Properties*, Part 52, Ch. 4 (Oct. 2018).

^d25 C.F.R. §§ 162.359(a), 162.459(a).

^eInternal deadline, according to a BIA official.

¹Department of the Interior, Bureau of Indian Affairs, Director, *Mortgages Top Priority*, Memorandum to All Regional Directors (Oct. 4, 2019).

We found that BIA met each of the internal deadlines more than 80 percent of the time for land mortgages processed in fiscal years 2021 and 2022 (see table 4).³⁵ For example, 85 percent of the time (97 of 114 land mortgages), BIA met its deadline to review and approve or disapprove the application within 30 days of receipt.³⁶

³⁵Of the 127 land mortgages that were processed by BIA in fiscal years 2021 and 2022, we excluded some from the analyses of internal deadlines shown in table 4 because of missing or nonchronological data for the date fields needed to assess whether deadlines were met.

³⁶Of the 127 land mortgages that were processed by BIA in fiscal years 2021 and 2022, we excluded 13 from this analysis because they had missing or nonchronological data for either of the two date fields needed to assess whether this deadline was met.

Table 4: Processed Land Mortgages for Residential, Business, and Agricultural Purposes (Land Mortgages) for Which BIA Met Internal Deadlines, Nationally, Fiscal Years 2021 and 2022

Internal deadline	Land mortgages that met deadline		Total number of processed land mortgages ^a	Average (days)	Range (minimum–maximum days)	Median (days)
	Percent	Number				
The Realty office reviews and approves or disapproves the application within 30 days of receipt of complete application. ^b	85%	97	114	20	0–444	7
The Land Titles and Records Office (LTRO) records application documents within 2 business days of request from Realty. ^c	93%	115	123	3	0–254	0
LTRO issues a certified title status report (TSR) within 7 days of receipt of request from Realty. ^d	82%	100	122	7	0–107	1
Realty returns the recorded approved application documents and certified TSR to the lender within 2 days of receiving the documents from LTRO. ^e	83%	95	114	3	0–88	0

Source: GAO analysis of Bureau of Indian Affairs (BIA) Mortgage Tracker data and BIA documents. | GAO-24-105875

Note: There are no regulatory deadlines related to land mortgages.

^aWe found that 127 land mortgages for residential, business, and agricultural purposes (land mortgages) were processed by BIA—meaning that they were received and approved by the agency, then returned to the lender as the final step in the process—in fiscal years 2021 and 2022. Mortgage applications that did not have sufficient data to measure against the deadline—meaning that date fields related to calculating whether BIA met the specified internal deadline were either missing or nonchronological—are excluded from our analysis and, therefore, do not appear in the table above.

^bDepartment of the Interior, Bureau of Indian Affairs, Office of Trust Services, *Indian Affairs Mortgage Handbook*, 52 IAM 4-H (Washington, D.C.: July 2019).

^cDeadline, according to a BIA official.

^dDepartment of the Interior, Bureau of Indian Affairs, Director, *Mortgages Top Priority*, Memorandum to All Regional Directors (Oct. 4, 2019).

^eDepartment of the Interior, Bureau of Indian Affairs, *Indian Affairs Manual, Real Estate Services, Processing Mortgages of Trust Properties*, Part 52, Ch. 4 (Oct. 2018).

Leasehold mortgages and land mortgages processed by BIA in fiscal years 2021 and 2022 took the agency a median of 40 and 59 days, respectively, to process, according to our analysis of the agency’s processing times for mortgage applications.³⁷ (According to an internal

³⁷To assess BIA’s processing times for leasehold and land mortgages, we analyzed the number of days between the dates that the agency received all required mortgage application documents and the dates that the agency returned approved mortgage applications to the lender. We excluded applications where the number of elapsed days between these dates was nonchronological. On average, leasehold mortgages were processed in 59 days, and land mortgages were processed in 81 days, in fiscal years 2021 and 2022.

BIA memorandum issued in 2019, the agency’s goal is to process leasehold mortgages in 30 days or less, and land mortgages in 40 days or less.³⁸) However, the length of time it took BIA to process mortgages varied substantially from application to application.³⁹ We also found substantial differences between BIA regional offices in the volume and length of time it took to process leasehold and land mortgages in these two fiscal years (see app. III, tables 7 and 8).

In addition, we found variation in processing times for leasehold mortgages on lands held in trust or restricted fee status for Tribes versus individual tribal citizens. For the 327 leasehold mortgages on lands held for Tribes that BIA processed in fiscal years 2021 and 2022, the median processing time was 39 days, while the median number of days it took the agency to process 24 leasehold mortgages on land held for tribal citizens was 84 days.⁴⁰

TSRs

Among certified TSRs for mortgages, the percentage for which LTROs met an internal deadline—to issue the TSR within 7 days—generally increased from 57 percent in fiscal year 2018 to 73 percent in fiscal year 2022, based on our analysis of TAAMS data.⁴¹ (See table 5.) We were unable to use TAAMS data to analyze the length of time elapsed between when a Tribe or applicant requests and receives a TSR, as TAAMS only contains the dates that LTROs receive certified TSR requests from Realty offices as well as the dates that LTROs return them to Realty offices. Therefore, our analysis of TAAMS data does not capture any lengthy processing times that lenders or applicants might experience following

³⁸Department of the Interior, Bureau of Indian Affairs, Director, *Mortgages Top Priority*, Memorandum to All Regional Directors (Washington, D.C.: Oct. 4, 2019).

³⁹For example, according to our analysis of Mortgage Tracker data, it took BIA between 1 day and 15 months to process leasehold mortgages (1 to 459 days) and land mortgages (1 to 479 days) from start to finish.

⁴⁰Mortgage Tracker data that were not leasehold mortgages, or were not received by BIA in this time period, are excluded from our analysis. Mortgage applications that did not have sufficient data for measurement against the deadline—meaning that related date fields were either missing or nonchronological—are excluded from our analysis and, therefore, do not appear in the table above.

⁴¹LTROs maintain title documents for land that is held in trust or restricted fee status for Tribes or their citizens. LTROs fulfill requests for TSRs from Realty offices, which act on behalf of Tribes and other relevant parties. According to interviews with agency officials and documents we reviewed, there is one internal deadline for TSRs: certified TSRs for mortgages must be issued by the LTRO to the requesting Realty office within 7 days of receipt of the request. The TAAMS data we analyzed did not specify the type of mortgage (such as a land or leasehold mortgage) for which a TSR request was fulfilled.

Realty offices' receipt of the request (before handing it off to the LTRO) or after Realty has received the certified TSR from the LTRO (before returning it to the requester). Our analysis of data on TSR processing times by LTRO and for other transaction types can be found in appendix III, tables 9 through 11.

Table 5: Title Status Reports (TSR) for Mortgages Certified by Land Titles and Records Offices (LTRO) That Met BIA Internal Deadline, Nationally, in Fiscal Years 2018 through 2022

Fiscal year	Certified TSRs that met the 7-day deadline		Total number of certified TSRs ^a	Average (days)	Range (days)	Median (days)
	Percentage	Number				
2018	57%	203	354	18	0–556	5
2019	53%	534	1,001	15	0–295	7
2020	75%	822	1,090	10	0–927	3
2021	71%	858	1,201	8	0–203	4
2022	73%	817	1,116	7	0–306	4

Source: GAO analysis of Bureau of Indian Affairs (BIA) Trust Asset and Account Management System (TAAMS) data. | GAO-24-105875

Note: According to a memorandum issued by the Director of BIA in 2019, the LTRO should issue a certified TSR for mortgage applications within 7 days of receipt of the request from the BIA agency (which is an internal deadline). There are no internal deadlines for other types of TSR requests and no regulatory deadlines for any type of TSR request. The TAAMS data we analyzed did not specify the type of mortgage (such as a land or leasehold mortgage) for which a TSR request was fulfilled.

^aThese totals were used to calculate the percentages of certified TSRs that met the deadline. Certified TSR requests that were not completed or not requested for the purpose of a mortgage in fiscal years 2018 through 2022 are excluded from this analysis.

Recording of Leases and Rights-of-Way

While TAAMS data were not available to measure most steps in the lease and right-of-way approval process for reasons described below, our analysis of available data indicates that BIA almost always met one internal deadline. The deadline stipulates that LTROs have 2 business days to record encumbrance documents (such as a lease or right-of-way) from receipt of the request from Realty offices. We found that over 98 percent of residential and business leases and rights-of-way processed by BIA—meaning that the lease or right-of-way was approved by the agency and then recorded as the final step in TAAMS in fiscal years 2018 through 2022—met this deadline.⁴²

⁴²Residential leases, business leases, and rights-of-way applications in fiscal years 2018 through 2022 that had nonchronological numbers of elapsed days between the recording request and recording fulfillment fields, or that were missing entries for the recording request date field, were excluded from our analysis.

BIA Identified Staff Shortages as a Factor Affecting Real Estate Service Processing Times

BIA officials stated that staff shortages are a factor affecting the agency's processing times for real estate services. For example, officials from one regional office and two Realty offices described staff shortages as a challenge facing their regions, which they said has hindered their ability to process real estate transactions in a timely manner. An official from one of these offices said the office has been chronically understaffed, with a heavy workload, requiring higher-level officials to provide assistance with day-to-day activities and making it challenging to retain employees.

Data provided by BIA's Office of Field Operations indicated that as of August 2023, there were 95 Realty vacancies across the 12 BIA regions, ranging from 0 to 17 vacancies in the individual regions.⁴³ However, data were not available to indicate what proportion of Realty positions overall and in the regions were vacant.

Fiscal year 2023 data provided by the Division of Land Titles and Records, the most recent data available, indicated that across the nine LTROs, 28 percent of Legal Instrument Examiner, Lead Legal Instrument Examiner, and Supervisory Legal Examiner positions were vacant. These examiner positions are most relevant to LTROs for delivering the real estate services within our review, according to a BIA official. Vacancy rates in individual LTROs for these positions ranged from 14 percent to 50 percent in early fiscal year 2023. The BIA official explained that workloads vary between LTROs, and some LTROs are dealing with high staff turnover, low staffing, or a lack of experienced staff to complete work in a timely manner.

More generally, BIA officials told us that it is challenging to find and retain qualified people nationwide to perform Realty and LTRO functions, but they are working with Interior's Office of the Assistant Secretary for Indian Affairs' human capital office to increase staff levels.⁴⁴ Additionally, according to BIA officials and vacancy data, the agency does not have adequate funding for several Realty and LTRO positions. BIA officials told us that if an office were to receive funding for those positions, they could advertise and recruit for those positions, and any on-boarded staff could assist with the office's pending workloads.

⁴³These data include various realty positions such as realty assistants, specialists, and clerks, among others.

⁴⁴Interior's Office of the Assistant Secretary for Indian Affairs oversees BIA, the Bureau of Indian Education, and the Bureau of Trust Funds Administration.

BIA Does Not Have the Data Controls Necessary to Reliably Assess Processing Times and Deadlines for Leases and Rights-of-Way

BIA does not have the data entry controls necessary to reliably assess its processing times or whether BIA has met regulatory and internal deadlines for three transaction types—residential leases, business leases, and rights-of-way applications. Our analysis of TAAMS data found that dates were missing for various steps in BIA’s review and approval process for the majority of residential leases, business leases, and rights-of-way processed in fiscal years 2021 and 2022.⁴⁵

BIA officials explained that Realty staff are responsible for entering data into TAAMS about real estate transactions and that Realty staff are reminded of data entry requirements during monthly meetings. However, BIA officials acknowledged our finding related to missing data entries in TAAMS for lease and right-of-way applications and said that improvements were needed in the accuracy and completeness of TAAMS data in order to facilitate analysis of BIA processing times. As noted previously in this report, we also found issues with regard to the completeness and accuracy of data in the Mortgage Tracker.

Our analysis confirmed issues with completeness of the data for three key dates needed to measure processing times, as well as compliance with regulatory deadlines for residential leases, business leases, and rights-of-way. Specifically, we found that most residential and business leases and right-of-way applications we analyzed did not have date entries for the following three steps in BIA’s review and approval process:

1. the date when BIA initially received the application,
2. the date when BIA sent a letter to the applicant acknowledging receipt of the application (and stating that it was complete), and
3. the date when BIA sent a letter notifying the applicant of the agency’s decision to approve or disapprove the application.

⁴⁵In this context, processed residential and business leases and rights-of-way refer to applications that were approved by the agency and recorded as the final step in TAAMS.

Table 6: Percentage of Certain Lease and Right-of-Way Applications Processed by BIA, with Date Entries for Three Approval Process Steps, Nationally, Fiscal Years 2021 and 2022

Transaction type	Percentage of processed applications with all three dates populated	Number of processed applications with all three dates populated	Total number of processed applications ^a
Business lease	36%	157	441
Residential lease	13%	261	2,001
Right-of-way	5%	52	1,146

Source: GAO analysis of Bureau of Indian Affairs (BIA) Trust Asset and Account Management System (TAAMS) data. | GAO-24-105875

Note: We assessed whether BIA had date entries for the following three approval process steps: the dates that BIA (1) initially received the application, (2) sent a letter to the applicant acknowledging receipt of the application (and stating that it is complete), and (3) sent a letter notifying the applicant of the agency’s decision to approve or disapprove the application. We analyzed applications that were approved and recorded by BIA as the final step in TAAMS.

^aProcessed applications refers to those that were approved, then recorded as the final step in TAAMS. The totals were used to calculate the percentages of applications with the three dates recorded. Residential and business lease and right-of-way applications that were not received by BIA in fiscal years 2021 or 2022, or where there was no recording date for application documents, are excluded from this analysis.

We found that BIA does not have data entry controls to ensure the completeness of date entries in TAAMS needed to measure processing times and attainment of regulatory and internal deadlines for residential leases, business leases, and rights-of-way. Accurate and complete data are needed to determine processing times and the extent to which the agency is meeting deadlines for mortgages, leases, and rights-of-way. Specifically, with regard to leases and rights-of-way, the missing data entry controls we identified relate to

1. inadequate staff training and guidance documents on how to enter complete data in TAAMS,
2. insufficient data edit checks to require certain data fields in TAAMS to be populated or to notify users when entries for these fields are missing, and
3. lack of regular oversight and review of TAAMS data for accuracy and completeness regarding data fields necessary for measuring attainment of deadlines and processing times.

In addition, although we found the Mortgage Tracker data overall to be sufficiently reliable for the purpose of our analyses, the accuracy and

completeness of the data could be improved.⁴⁶ According to BIA officials, the Mortgage Tracker will be replaced by a forthcoming TAAMS mortgage module in fiscal year 2024.

Federal standards for internal control state that management should use quality information to achieve the entity's objectives.⁴⁷ According to Indian Affairs manuals, it is the agency's policy to process mortgages, business leases, and rights-of-way in a standardized, timely manner and in compliance with applicable regulations and standards. Addressing the data entry control deficiencies we identified can improve the quality of TAAMS data and enhance BIA's ability to measure processing times for lease and right-of-way applications and whether these applications are meeting internal and regulatory deadlines.

Staff Training and Guidance Documents

Although BIA staff receive training and guidance documents regarding data entry in TAAMS, our analysis shows that the majority of residential and business lease and right-of-way applications are missing entries for key dates (see table 6). Officials told us that staff are instructed in TAAMS training sessions to populate dates, including the key dates described above, for new lease and right-of-way applications. BIA officials also told us that they recognized the need to improve their approach for capturing these data to determine the extent to which the agency is meeting regulatory deadlines, and they agreed with the need to provide additional training and guidance to staff regarding TAAMS data field definitions and data entry requirements.

We also found that while BIA's TAAMS Training Guides provide helpful instructions on how staff are to input data for many aspects of real estate transactions, they do not provide adequate instruction to identify key dates for staff and alert staff that they are required to enter those key dates in TAAMS for new real estate transactions.⁴⁸ In particular, the guides do not specify that date entries for (1) receipt of the application, (2) acknowledgement letter transmittal, and (3) decision letter transmittal should be populated for new applications. Further, the guides do not provide definitions for these key fields, which could lead to confusion

⁴⁶For example, 54 of 357 leasehold mortgage applications processed in fiscal years 2021 and 2022 were excluded from our analysis of whether the regulatory deadline for approval or disapproval was met due to missing or nonchronological data (see table 3).

⁴⁷[GAO-14-704G](#).

⁴⁸BIA's TAAMS Training Guides are standardized guidance documents distributed to staff that define TAAMS data fields and provide step-by-step data entry instructions.

among staff regarding which dates should be entered at which step. For example, the “application received” date field is not defined, so it may be unclear to staff whether this is the date the application was received by BIA or the date that a Realty analyst received the application from their supervisor.

According to Interior’s *Data Quality Management Guide*,⁴⁹ agency processes related to data quality should include guidelines for data entry.⁵⁰ In addition, leading practices on the training and development process in the federal government state that training opportunities for staff should be identified to improve individual and agency performance.⁵¹ Providing additional instruction to staff—in the form of updated documentation or new trainings—on TAAMS data entry requirements and data fields for lease and right-of-way applications, as well as mortgage applications following implementation of the forthcoming TAAMS mortgage module, could increase staff’s understanding of which date fields in TAAMS are essential to populate and could reduce confusion about data entry requirements.

Data Edit Checks

We found that TAAMS did not have data edit checks to ensure the completeness of new residential and business lease and right-of-way applications. For example, as it is currently structured, entering dates in TAAMS for the application receipt, acknowledgement letter, and decision letter is not compulsory for applications. Further, a BIA official is not required to enter these dates into TAAMS in order to advance an application in the data system. TAAMS also does not provide warning or error messages to indicate an application is missing entries related to these steps or if an unreasonable date has been entered—such as a date that cannot logically occur after another step.

According to Interior’s *Data Quality Management Guide*, guidelines for data edit checking and correcting data errors should be included in agency data quality processes.⁵² Additional data edit checks in TAAMS—

⁴⁹Department of the Interior, Office of the Chief Information Officer, *Data Quality Management Guide* (Washington, D.C.: Aug. 2008).

⁵⁰Interior’s *Data Quality Management Guide* defines data quality as data that are relevant to their intended uses and are of sufficient detail and quantity, with a high degree of accuracy and completeness, consistent with other sources, and presented in appropriate ways.

⁵¹[GAO-04-546G](#).

⁵²Department of the Interior, *Data Quality Management Guide*.

such as an error message that notifies staff, or does not allow staff to advance an application in TAAMS, if an application is missing certain information or contains non-chronological dates—could improve that quality of data entered into TAAMS by staff.

Data Oversight and Review

According to BIA officials, some data entered into TAAMS are reviewed for accuracy and completeness annually for compliance with management responsibilities described in the Office of Management and Budget's (OMB) Circular A-123.⁵³ However, BIA officials told us that the agency does not comprehensively review TAAMS data to measure the degree to which applications contain key dates necessary for measuring processing times and whether all deadlines are being met. BIA officials agreed with the need for regular oversight and review of data entered into TAAMS to ensure that the data are sufficiently complete to measure processing times and whether regulatory and internal deadlines are being met. BIA officials said they are planning various actions to improve data quality and completeness, including hiring a "Realty Strike Team" to assist field offices in analyzing their processing times and data completeness. In addition, BIA officials also noted that regional Realty offices will conduct quarterly checks to ensure that data are adequate to ensure timely completion and accurate encoding. However, because of the preliminary nature of these actions, we were not able to assess whether they will fully address the data control concerns we identified.

Agency data quality processes should include guidelines for validating and auditing existing data,⁵⁴ according to Interior's *Data Quality Management Guide*.⁵⁵ Implementing ongoing oversight and review of applications in TAAMS—including mortgage applications following implementation of the forthcoming TAAMS mortgage module—for dates needed to measure processing times and whether deadlines are being met can allow BIA to assess the degree to which the completeness of TAAMS data is improving as a result of any newly implemented staff guidance or data edit checks.

⁵³Office of Management and Budget, *Management's Responsibility for Enterprise Risk Management and Internal Control*, OMB Circular No. A-123 (revised 2017).

⁵⁴According to Interior's *Data Quality Management Guide*, a data audit is the random sampling of a collection of data and testing the sample against their valid data values to determine their accuracy and reliability.

⁵⁵Department of the Interior, *Data Quality Management Guide*.

Selected Tribes and Stakeholders Cited Concerns about BIA's Timeliness and Communication in Delivering Real Estate Services

Tribes and stakeholders we selected for interviews cited concerns about BIA's timeliness and communication in delivering real estate services.⁵⁶ All five Tribes and all eight stakeholders presented a range of concerns related to the time it took BIA to process mortgages, leases, rights-of-way, and TSRs. Specifically, they discussed a variety of adverse effects related to financing, lending and investment, and housing challenges. In addition, all five Tribes and six stakeholders expressed concerns about BIA's communication, such as regarding the status of applications and TSRs. While not generalizable, these examples provide insights into how several Tribes and stakeholders view the impact of BIA's processing times and communication on Tribes, individual citizens, and the market for housing and economic development on tribal lands more broadly. Nevertheless, three Tribes and five stakeholders also acknowledged that these challenges in working with BIA may not be uniform across the agency and that BIA's timeliness or communication may vary by region, office, or individual staff person.

Lengthy BIA Processing Times Can Have Adverse Financial and Other Effects on Applicants and Others

All five Tribes and all eight stakeholders indicated that lengthy BIA processing times for real estate applications and TSRs can have adverse financial and other effects on applicants and other parties involved in real estate transactions. These effects include

- **increased financing and construction costs.** One Tribe and one stakeholder stated that delays in BIA's mortgage approval and recording processes have caused applicants to face increased financing and construction costs in certain economic environments, such as during the COVID-19 pandemic. Specifically, the stakeholder reported that lengthy processing times had resulted in higher financing costs when low interest rates offered by lenders could not be "locked in" beyond a certain time period, and then those rates rose before BIA approved the transaction. Additionally, this stakeholder noted that lengthy processing times can lead to higher construction

⁵⁶Tribes' and stakeholders' views do not take into account the results of our data analysis, which we had not completed or made available at the time of our interviews. As a result, Tribes' and stakeholders' views on timeliness were of a general nature, based on their experiences working with BIA. As previously mentioned, based on various criteria, we selected a nongeneralizable sample of five Tribes and eight real estate stakeholders—including HUD, the Federal Reserve Bank of Minneapolis' Center for Indian Country Development, a Native community development financial institution, and a national association of title insurance professionals—to interview for input on this review. We interviewed four of the Tribes and all eight stakeholders, and we received written comments from the fifth Tribe.

costs, as occurred during the COVID-19 pandemic, when materials and labor were in short supply and prices rose due to inflation;

- **loss of time associated with the loan process.** One Tribe noted that loan documents signed by a borrower that are used for closing a loan typically expire in 30 days. Thus, if BIA has not completed its review and approval of a mortgage application within that time frame, the applicant has to re-sign the loan documents and resubmit them to BIA for approval, causing further delays and potentially increased financing and construction costs;
- **delayed real estate transactions due to untimely recording.** Three Tribes and two stakeholders cited concerns about mortgages, leases, or housing or infrastructure projects being delayed because BIA had not recorded real estate transactions in a timely manner. For example, one Tribe described how a tribal citizen was unable to refinance their home in 2020 and 2021 because BIA had not recorded the individual's original 2019 land mortgage. As a result, the Tribe stated, this citizen missed the opportunity to save \$213 a month (or \$2,559 a year), when interest rates were low, because they were unable to refinance. In another example provided by the Tribe, a citizen wanted to sell their home in 2022 after the death of a spouse but could not do so because a 2020 mortgage had not yet been recorded. Another Tribe stated that a housing development was delayed, in part, by BIA not recording the transaction in a timely manner;
- **missed income payments from leases.** One Tribe described how BIA's lengthy processing times for business leases have resulted in delayed income for the Tribe and, in turn, its citizens. According to this Tribe, it can take months for BIA to process leases—a necessary step before the Tribe can receive rental payments from lessees—which adversely affects the tribal government's ability to receive and disburse the lease income to about 14,000 tribal citizens in the form of quarterly, per capita payments. In addition, the Tribe told us that BIA's lengthy processing times for rights-of-way can delay tribal citizens' receipt of payments for those rights-of-way. The Tribe cited one citizen in particular, who had not received payments for a right-of-way across their land for 6 years because BIA had not approved it;
- **lenders taking on unnecessary risk.** One stakeholder stated that as a result of lengthy processing times and uncertainty in working with BIA to obtain certified TSRs—which title insurance companies rely on to provide title insurance to lenders and home buyers—some lenders have waived their usual requirements for TSRs. However, according to this stakeholder, waiving the TSR requirement increases risk to the lender if the title ends up having errors or omissions, which this

stakeholder has at times identified. For example, this stakeholder said they sometimes find TSRs are not up to date with transactions that occurred in recent years.

Similarly, HUD officials told us that lengthy processing times in receiving certified TSRs resulted in delays in HUD's issuing loan guarantees through its Section 184 program, which is designed to address the shortage of mortgage lenders in Indian Country.⁵⁷ To resolve the issue of delays with TSRs, HUD received statutory authority to issue loan guarantees before receiving the TSR or other documents from BIA, so long as the lender indemnifies HUD;⁵⁸ and

- **litigation risks and delays.** One Tribe stated that lengthy processing times for TSRs that it needed for a lawsuit had increased litigation time and risk for the Tribe. Specifically, the Tribe conveyed that it had to delay filing the lawsuit and then had to submit alternative evidence to prove that it owned a parcel of tribal trust land because BIA did not provide the TSR in time. Although the Tribe was ultimately successful in its case, a tribal official stated that this delay and workaround imposed unnecessary risk for the Tribe to lose the case, which also would have meant financial costs if the Tribe had lost.

Lengthy BIA Processing Times Can Disincentivize Lending and Investment on Trust and Restricted Fee Lands

Four Tribes and seven stakeholders we interviewed stated that BIA's lengthy processing times have disincentivized lending or outside investment on trust and restricted fee lands. For example:

- **Disincentivizing lending.** According to an article by the Federal Reserve Bank of Minneapolis' Center for Indian Country Development, financial institutions rely on certainty in processes and timing.⁵⁹ The article states that inconsistency in processing and timeliness across BIA offices, for TSRs in particular, is a factor that

⁵⁷The term "Indian Country" refers to all land within the limits of any Indian reservation, all dependent Indian communities, and all Indian allotments, the Indian titles to which have not been extinguished, including all rights-of-way running through the same. 18 U.S.C. § 1151.

⁵⁸Specifically, since late 2020, HUD has had statutory authority to issue Section 184 loan guarantee certificates for loans on trust land before receiving the certified TSR or other trailing documents from BIA if the originating lender agrees to indemnify HUD for any losses that may result from instances where a borrower defaults on the loan, and the certified TSR or other trailing documents are still outstanding. Pub. L. No. 116-260, div. Q, tit. I, § 105(b), 134 Stat. 1182, 2171 (2020) (codified at 12 U.S.C. § 1715z-13a(c)(5)(A)).

⁵⁹James Colombe, Federal Reserve Bank of Minneapolis, "Shortening the TSR Timeline: A Proposal to End Delays That Hinder Native Homeownership" (Minneapolis, MN: Sept. 9, 2020).

can slow down loans and discourage lenders from building expertise in Indian Country. Similarly, two Tribes stated that a number of financial institutions are reluctant to lend to individuals for transactions on trust land, which the Tribes attributed to the number of steps involved in BIA's review and approval process or BIA's lengthy time frames for processing real estate transactions.

According to another Tribe, the only lender serving trust lands in its state told the Tribe it was reconsidering its participation in the Section 184 program because BIA was not recording mortgages in a timely manner, with one mortgage pending recording for more than 2 years. Tribal officials reported that HUD's program is the most widely used mortgage program on their reservation and losing that program would be "devastating" to tribal citizens' ability to achieve homeownership.

According to HUD officials, in June 2023, HUD reduced the number of lending institutions approved to participate in the Section 184 program from 275 to 142 due to lender inactivity. HUD officials also told us that one of their major challenges working with BIA is the timeliness of getting documents, particularly TSRs, processed quickly—and that lenders have expressed to HUD that these delays are putting the flow of capital into Indian Country in jeopardy.

- **Disincentivizing investment in housing and economic development projects.** Five stakeholders cited BIA's lengthy time frames as disincentivizing investors from conducting business on trust and restricted fee lands. For example, one stakeholder told us that BIA takes months to review and approve leases for a variety of types of projects, including those that leverage federal tax credits to build housing and economic development projects on trust and restricted fee lands. According to this stakeholder, lengthy processing times make investors wary and can prevent economic development projects from being undertaken in the first place.

Another stakeholder stated that investors and title companies may be reluctant to do business on trust or restricted fee land because the amount of time and difficulty involved in working with BIA raises the costs of projects, and they cannot recover their costs. In addition, this stakeholder said that title companies may avoid working with particular BIA regions or Realty offices due to limited cooperation from BIA in resolving issues.

- **Jeopardizing expeditious investment of time-limited federal funds.** One Tribe stated that it was concerned BIA's lengthy processing times could prevent it from using federal funds—such as those appropriated in the American Rescue Plan Act of 2021 and the

Coronavirus Aid, Relief, and Economic Security (CARES) Act—before statutory spending deadlines expire. This Tribe believes these federal funds could be used to help address its housing shortage and infrastructure needs. However, the Tribe was concerned that delays in BIA’s approval of the real estate transactions needed to support such projects could impede the Tribe’s ability to use the funds because of statutory deadlines for spending the funds.

Lengthy BIA Processing Times May Exacerbate Housing Challenges and Are a Factor in Some Tribal Citizens Seeking Homeownership on Lands That Do Not Involve BIA

Four Tribes and four stakeholders told us that BIA’s lengthy processing times for real estate applications and TSRs may exacerbate existing housing challenges on trust and restricted fee lands or are a factor in some tribal citizens seeking homeownership on fee simple land—which does not require BIA approval.⁶⁰ Specifically, they mentioned

- **difficulty in addressing long-standing housing challenges.** Four stakeholders we interviewed told us that lengthy BIA processing times for real estate transactions or TSRs make it challenging to address housing and homeownership challenges such as housing shortages and poor housing conditions on tribal lands. Similarly, we have previously reported on factors that contribute to housing challenges for Tribes, including that banks were reluctant to do business on tribal lands because of cumbersome procedures, such as BIA’s process for issuing TSRs for mortgages involving trust lands.⁶¹ In addition to BIA’s role in approving real estate transactions, according to a 2017 HUD report, several other conditions—including remoteness, lack of infrastructure, and complex legal and other constraints related to land ownership—make it extremely difficult to improve housing conditions in those areas.⁶²

Three Tribes and one stakeholder also described the more general implications of not being able to address housing challenges on tribal lands, including individuals persistently living in poor or overcrowded housing. Other implications included difficulties in tribal communities with building intergenerational wealth, growing the Tribe’s emerging

⁶⁰Fee simple land is owned without restrictions on alienation and, when located outside Indian Country, is subject to property taxes, whereas trust and restricted fee lands are exempt from property tax.

⁶¹[GAO-14-255](#).

⁶²U.S. Department of Housing and Urban Development, *Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs* (Washington, D.C.: Jan. 2017).

middle class, and attracting employees to work in tribal businesses on the reservation; and

- **seeking homeownership off-reservation on lands that do not involve BIA.** Several factors affect where tribal citizens choose to live, including access to economic opportunities, according to the aforementioned HUD report. BIA’s lengthy processing times may also be a factor in some tribal citizens seeking homeownership on fee simple land. For example, according to the Federal Reserve Bank of Minneapolis’ Center for Indian Country Development, since HUD’s Section 184 program was extended to fee simple land in the early 2000s, approximately 90 percent of those loan guarantees were for mortgages on fee simple land. The center stated that this finding suggests that mortgages for tribal citizens are much easier on fee simple land—for which BIA approval is not required—than on trust land.⁶³

Another stakeholder stated that tribal citizens can get frustrated by the lengthy process and seek housing off-reservation, away from their tribal homelands. This stakeholder explained that living on-reservation is desirable because it helps Tribes attract and retain citizens to build their social and economic infrastructure, among other benefits. According to this stakeholder, this situation of tribal citizens’ purchasing homes off-reservation has arisen in part because mortgages requiring BIA approval can take as long as 2 years, whereas closing a mortgage on fee simple land typically takes about a month and a half.

Two Tribes also expressed concerns about tribal citizens seeking housing off-reservation because of BIA delays. For example, one Tribe discussed an instance where a tribal citizen sought to purchase a home on tribal trust land. According to the Tribe, when BIA took more than a year to record the lease—a necessary precondition for obtaining a leasehold mortgage for a home on tribal trust land—the citizen canceled the process and purchased a home on fee simple land instead.

BIA’s Communication about Real Estate Services Can Be Untimely, Unclear, or Inconsistent

All five Tribes and six stakeholders indicated that BIA’s communication regarding the status of applications or TSR requests and other real estate matters can be untimely, unclear, or inconsistent. In particular, all five Tribes and four stakeholders stated that it can be difficult getting BIA staff to respond to their inquiries or requests for assistance (e.g., by phone,

⁶³Colombe, “Shortening the TSR Timeline.”

email, or in person). While three Tribes and three stakeholders acknowledged that BIA's communication can vary by region, office, or individual staff person, all five Tribes and six stakeholders indicated that poor communication has led to frustration, delays, or other negative outcomes. For example:

- **Untimely communication.** All five Tribes and four stakeholders indicated that BIA's communication related to the Tribes' or their citizens' real estate transactions can be untimely. For example, one Tribe identified poor timeliness in BIA's communicating with rights-of-way applicants in cases where the agency wanted additional information regarding their applications. According to this Tribe, these communication delays ultimately slowed down BIA's approval of the applications, which hindered the Tribe's ability to make much-needed broadband and electricity infrastructure upgrades. In addition, two Tribes told us that a lack of responsiveness from BIA concerning their inquiries about the status of a lease, right-of-way, or TSR required the Tribes to elevate matters, involving Members of Congress for one Tribe and an attorney for another. According to one of these Tribes, elevating routine business matters was a poor use of the Tribe's resources and a source of frustration.
- **Unclear communication.** Two Tribes and four stakeholders expressed concerns that BIA's communication is unclear. For example, one stakeholder stated that there is disagreement between BIA and Tribes on whether there are delays in the agency's processing of real estate applications and TSRs because BIA does not clearly communicate how long the process is expected to take. Specifically, this stakeholder stated that Tribes believe BIA's timeliness for processing real estate transactions should be measured starting with their submittal of an application, not when BIA deems an application to be complete.⁶⁴

Another stakeholder stated that BIA has been unclear with applicants in describing what information is missing from applications, thus causing delays because of back-and-forth communication with the applicant to clarify what information is needed. According to this stakeholder, communication and timeliness problems have resulted in investors, lenders, and title companies not wanting to conduct

⁶⁴As noted in figures 2 and 3, BIA's regulatory deadlines are based on the date that the agency receives a complete application—meaning that all required documents for the real estate transaction are included—not the date from which an applicant submits an application.

business on trust and restricted fee lands because it is too time-consuming and, therefore, expensive.

- **Inconsistent communication.** One Tribe and three stakeholders indicated that BIA's communication regarding real estate services can be inconsistent. For example, one stakeholder stated that there is a lack of consistency across LTROs nationally, with some LTROs providing information freely, while others ask for a Freedom of Information Act request to be filed⁶⁵ and others request that communication with BIA only be done through the relevant Tribe. The outcome is that it is "trial and error" for the public to figure out how to communicate with each office, according to this stakeholder.

BIA Has Taken Some Steps to Improve Real Estate Services, but It Has Not Fully Assessed Its Processing Times or Communication with Tribes and Stakeholders

BIA has taken some steps to improve its delivery of real estate services. However, we found that BIA has not regularly or comprehensively assessed its processing times or whether regulatory and internal deadlines are being met, and the agency does not have a plan to improve its performance. In addition, BIA had limited performance measures to assess and report on its processing times and whether deadlines are being met. Furthermore, BIA has not assessed the quality of its communication with Tribes and stakeholders regarding real estate services.

BIA Has Taken Some Steps to Improve Real Estate Services

BIA has taken some steps to improve its delivery of real estate services. In particular, BIA has updated key regulations and guidance related to real estate services. Among other things, the updates standardized its processes for reviewing and approving certain real estate transactions, as well as established deadlines for certain steps in the agency's review process. BIA officials told us these efforts are ongoing and designed to improve consistency and timeliness across its offices. In addition, some stakeholders we interviewed stated that BIA's efforts to update its

⁶⁵The Freedom of Information Act requires federal agencies to provide government records requested by the public unless it falls under one of nine exemptions that protect interests such as personal privacy, national security, and law enforcement. BIA regulations identify individuals and entities that may request and receive copies of title documents or TSRs without filing a Freedom of Information Act request. 25 C.F.R. § 150.303.

regulations and guidance have helped clarify processes and may improve consistency across regional offices.

Regulation Updates

From 2012 to 2021, BIA updated three key regulations related to real estate services, which address

- **leases and leasehold mortgages.**⁶⁶ These regulations clarified the procedures for obtaining BIA’s approval of leases (including residential and business leases), established deadlines for BIA to issue decisions on complete lease and leasehold mortgage applications, and defined what information and documents are necessary for BIA to consider an application complete. For example, the regulations require BIA to issue a decision on a leasehold mortgage for residential and businesses leases within 20 days of receiving a complete application; on a residential lease within 30 days of receiving a complete application, unless the agency returns the application for revision; and on a business lease within 60 days of receiving a complete application, unless the agency returns the application for revisions or needs additional review time;
- **rights-of-way.**⁶⁷ The updated regulation, among other things, established a deadline for BIA’s review of rights-of-way applications. Specifically, the regulation requires BIA to approve or disapprove a right-of-way application within 60 days of receiving a complete application, unless BIA returns the application for revision or needs additional time for its review. According to the regulation, the update was intended to streamline the process for obtaining rights-of-way on Indian land while also supporting tribal self-determination and self-governance;⁶⁸ and
- **Indian Land Title and Records.**⁶⁹ BIA updated its regulations governing LTROs to reflect current practices. Specifically, it allowed for workload-sharing across offices to prevent the risk of backlogs and

⁶⁶77 Fed. Reg. 72440 (Dec. 5, 2012) (codified at 25 C.F.R. pt. 162). This regulation became effective on January 4, 2013.

⁶⁷80 Fed. Reg. 72492 (Nov. 19, 2015) (codified at 25 C.F.R. pt. 169). This regulation became effective on April 21, 2016.

⁶⁸The regulations define “Indian land” as land individually owned by tribal citizen(s) in trust or restricted fee status or tribally owned land in trust or restricted fee status.

⁶⁹86 Fed. Reg. 45631 (Aug. 16, 2021) (codified at 25 C.F.R. pt. 150). This regulation became effective on September 15, 2021.

made LTRO's role as a support office to BIA more transparent, among other updates.

Handbook Updates as a Result of User Group Discussions

BIA has updated certain handbooks that provide guidance and step-by-step procedures for staff for administering different real estate services. The updates reflect current procedures and changes in regulations related to real estate services.⁷⁰ For example, in 2022, BIA updated its Rights-of-Way Handbook to provide a streamlined and standardized process for staff when reviewing and analyzing a right-of-way application. The handbook also included definitions for terms that were not defined in the regulations governing rights-of-way, to further assist staff with the process.

Revisions to BIA's handbooks occur as a result of discussions among user groups that are comprised of staff with specific real estate services expertise. These groups meet regularly. They are formed by BIA's central offices and often have representation from each of BIA's regional offices. In addition to revising handbooks, the groups may discuss challenges and identify solutions to ensure standardized procedures are consistently implemented across the agency, according to BIA officials. For example, in June 2022, BIA reported that its Division of Real Estate Services had established five user groups. Two of the groups were assigned to update outdated handbooks and prepare national policy memorandums on the agency's high priorities, among other responsibilities. BIA has also formed a user group to focus on issues related to TAAMS, including developing recommendations on design changes and identifying user needs for the system. Each of BIA's user groups will have its own deliverables and deadlines, according to BIA officials.

BIA Has Not Regularly or Comprehensively Assessed Its Processing Times for Real Estate Services

BIA's central offices have not regularly or comprehensively assessed its processing times for real estate services—overall or for interim steps in the review and approval process—or its compliance with regulatory and

⁷⁰The handbooks typically correspond to individual policy chapters from the *Indian Affairs Manual* and convey a greater level of detail, including procedures for staff. The *Indian Affairs Manual* contains the agency's current authorities, policies, and procedures that are under the jurisdiction of the Assistant Secretary for Indian Affairs. According to BIA, although policies in the manual are considered permanent, they also should be regularly reviewed for accuracy and updated when necessary. In addition, Interior's policy requires all bureaus and offices to review their policies and directives every 2 years.

internal deadlines.⁷¹ As a result, BIA does not have adequate information about its processing times to identify any areas for improvement or develop a plan to address those areas.

Using existing data, BIA does have the ability to assess aspects of the agency's processing times, including whether it is meeting deadlines, as previously discussed. For example, the Mortgage Tracker allows BIA to analyze total time elapsed when approving leasehold and land mortgages, overall and by region. In addition, the Mortgage Tracker allows BIA to assess the time elapsed between interim steps in the mortgage review and approval process—such as between receipt of a complete application and BIA's comprehensive review of it, or the time elapsed between Realty's approval of a mortgage and requesting that the LTRO record it. Similarly, BIA's TAAMS data allow for nationwide and regional assessments of the length of time it takes the LTRO to certify a TSR after receiving a request from a Realty office. As previously noted, while the TAAMS data for leases and rights-of-way are not sufficiently complete for conducting comprehensive analysis of many steps in the process, the data do allow for assessment of processing times for certain steps—such as the length of time it takes Realty offices to request that LTROs record encumbrance documents.

Regular, comprehensive assessments would enable the agency to identify areas for improvement—such as particular types of real estate services, specific regions, or offices with the greatest opportunity for improved processing times. For example, as described later in this report (see app. III, tables 7 and 8), there was substantial variation across regions in terms of processing times for leasehold and land mortgages in fiscal years 2021 and 2022; the median number of days to process a leasehold mortgage ranged from 17 to 189 days across BIA regions.

In addition, data analysis could help identify any interim steps that are bottlenecks in BIA's process. For example, our analysis indicated that the amount of time it takes for Realty to request recording by the LTRO—not the actual recording—is a potential bottleneck. Specifically, our analysis showed that the median number of days that it took Realty offices to request LTRO recording after approving was 16 days for residential leases, 9 days for business leases, and 7 days for rights-of-way in fiscal

⁷¹In this context, BIA's central offices refer to the Division of Real Estate Services, the Division of Land Titles and Records, and the Office of Field Operations.

years 2018 through 2022.⁷² BIA officials explained that delays at this step in the process could be attributed to the fact that Realty offices are required to ensure that key information related to these transactions—much of which is paper based up to that point—are entered into TAAMS prior to requesting recording, which can be time-consuming.

BIA officials said that while they do not routinely assess their processing times in delivering real estate services, when asked they can review and provide data. However, BIA officials were unable to provide documentation showing they had analyzed processing times or compliance with deadlines with the regularity and depth needed to discern (1) how extensive or persistent any delays were, (2) whether delays were nationwide or localized to particular regions, (3) whether particular points in BIA's process contributed disproportionately to delays, or (4) whether there were legitimate reasons for delays (for example, in cases where an application is particularly complex). In addition, we found that BIA has not analyzed the factors contributing to lengthy processing times or missed deadlines—for example, staff shortages discussed earlier in this report—nor created a plan for addressing any factors identified.

Furthermore, additional data may be needed to comprehensively assess BIA's processing times and compliance with deadlines over longer periods of time. While BIA has much data on which it could base an initial assessment, collection of additional data may be needed to fully understand and address the perspectives of Tribes, tribal citizens, and others on BIA's processing times. For example, as discussed earlier in the report, TAAMS data for leases and rights-of-way are not sufficiently complete for conducting comprehensive analysis of many steps in the process. Additionally, while there are adequate data to assess how quickly the LTROs process TSR requests, BIA does not currently collect data to analyze the time between when a customer requests a TSR and subsequently receives it. As previously noted, TSR processing times were a source of concern raised by some Tribes and stakeholders we interviewed; thus, additional data would enable BIA to identify where issues and delays occur in the TSR process.

BIA officials told us they have not assessed their processing times, including whether they met deadlines, on a national scale because of competing priorities established by the Assistant Secretary for Indian

⁷²On average, over this same time period, it took Realty offices 89, 62, and 30 days to request recording of application documents by LTROs following the date that Realty approved residential and business leases and rights-of-way, respectively.

Affairs. For example, BIA officials told us that recent high priorities have included the Fee-to-Trust Land Acquisition Program and the Land Buy-Back Program.⁷³ In addition, BIA officials told us that regional offices, Realty offices, and LTROs may employ a variety of nonstandardized methods (such as spreadsheets) to look at their own data, in part to measure processing times or compliance with deadlines in their respective offices. However, BIA officials also told us that while other tracking methods may be used, TAAMS remains their primary and official system of records for data collected on all real estate transactions.

BIA officials also told us that field office staff try to help resolve concerns about timeliness and that Tribes or other members of the public also have the opportunity to request a meeting with the Assistant Secretary for Indian Affairs for any concerns.⁷⁴ A senior official noted that they had not heard any concerns related to the timeliness of real estate services within the scope of this review raised at meetings with the Assistant Secretary for Indian Affairs during the current Administration (since January 2021).

Federal standards for internal control indicate that management should use quality information to make informed decisions and evaluate performance in achieving key objectives and addressing risks.⁷⁵ In addition, Interior's 2020-2021 Performance Plan and Report identified, as a strategic action, the continued improvement and monitoring of timeliness of processing leases and identifying locations with untimely processing. Furthermore, Interior's budget justification for fiscal years 2022 and 2023 states that BIA's timely processing of business leases and rights-of-way is critical to the success of these projects on lands held for Tribes as federal funding from laws such as the CARES Act become

⁷³The Land Buy-Back Program was a 10-year effort to consolidate "fractional" land interests in trust or restricted fee lands held by individuals and restore them to trust land held by Tribes. The program, which implemented part of the *Cobell* settlement, was established in December 2012 and ended in November 2022. Fee-to-Trust land acquisitions (also called "land into trust") transfer title of fee simple land to the United States to be held in trust for the benefit of a Tribe or tribal citizen. BIA views taking land into trust as one of its most important functions, as acquisition of trust land is essential to tribal self-determination, given that Tribes are sovereign governments and that trust lands are a primary focus of tribal authority. The Land Buy-Back and Fee-to-Trust programs are outside the scope of this review.

⁷⁴To request such a meeting, see Department of the Interior, Indian Affairs, "Request a Meeting" (accessed Aug. 2, 2023), <https://www.bia.gov/service/request-meeting>.

⁷⁵GAO-14-704G.

available.⁷⁶

If BIA were to conduct an initial assessment of its processing times, including whether it met deadlines, using available data as described above, the agency could begin to evaluate its performance in delivering real estate services and identify any areas for improvement. An initial assessment could also provide a basis for BIA to identify factors affecting its processing times and missed deadlines (including, but not limited to, staff shortages) and help BIA develop a plan to address those factors. BIA may also identify additional data that it would need to collect for future, more comprehensive assessments. In this manner, an initial assessment and corresponding plan for improvement may help address the concerns cited by Tribes and stakeholders related to lengthy processing times, as previously noted, such as tribal citizens facing adverse financial effects. In addition, if BIA were to conduct such assessments on a regular basis, it would be able to evaluate performance over time; make informed decisions about ongoing areas for improvement; and revise the agency's plan for improvement, as appropriate.

BIA Has Insufficient Performance Goals and Measures to Monitor and Report on Its Processing Times for Real Estate Services

BIA's current performance goals and measures are insufficient to allow the agency to monitor and regularly report on its processing times for delivering the real estate services within the scope of our review or whether it met regulatory and internal deadlines. BIA officials told us that the agency has not developed performance measures or goals related to processing times or deadlines for mortgages, leases, rights-of-way, or TSRs at either the department level or within the specific divisions or offices responsible for implementing day-to-day activities related to these services. For fiscal years 2018 through 2021, we identified one performance measure related to transactions within the scope of our review that Interior monitored and reported on.⁷⁷ The measure examined

⁷⁶Department of the Interior, *Budget Justifications and Performance Information, Fiscal Year 2022: Bureau of Indian Affairs* (Washington, D.C.); and *Budget Justifications and Performance Information, Fiscal Year 2023: Bureau of Indian Affairs* (Washington, D.C.). The CARES Act—supplemental appropriations enacted in response to the COVID-19 pandemic—appropriated at least \$9 billion for federal programs that serve Tribes and their citizens. We reported that at least \$43.6 billion had been appropriated in COVID-19 relief laws between March 2020 and December 2022 for federal programs serving Tribes, tribal citizens, and tribal organizations. [GAO-23-105473](#).

⁷⁷BIA tracked other performance measures that addressed real estate services outside the scope of our review, for example: (1) percent of land titles certified within 48 hours; and (2) percent of qualifying nonprobate conveyance documents, including deeds, recorded within 48 hours.

BIA's Performance Management Approach

In general, the Bureau of Indian Affairs (BIA) develops performance measures as part of the Department of the Interior's annual performance process. BIA develops agency-wide performance measures using an iterative process that determines data sources; reporting requirements; and annual performance targets, among other details, according to a BIA official. Data for each performance measure are submitted and reviewed by BIA officials on a quarterly basis. In addition, BIA staff annually assess and report end-of-year targets. BIA's divisions and staff offices may also develop and monitor performance measures that complement agency-wide goals and measures. The monitoring and evaluation of these measures by multiple levels of the agency are designed to improve the day-to-day delivery of real estate services.

Source: GAO summary of Interior and BIA documentation and interviews. | GAO-24-105875

the percentage of title encumbrances requested and completed during the year by BIA.⁷⁸

While relevant, this measure is not sufficiently detailed to allow BIA to monitor its processing times for mortgages, leases, rights-of-way, or TSRs, as well as identifying steps in its review process that are working well or need improvement. Because the measure's data are reported as aggregated totals of multiple types of transactions, it is not possible to use the measure to monitor the processing time of any one transaction type, including which of those transactions were approved in compliance with regulatory or internal deadlines, and which need improvement. Additionally, the performance measure on title encumbrances monitored only one aspect of BIA's delivery of this real estate service—the percentage of completed applications each year—as opposed to monitoring the time elapsed in BIA's completing its review and approval of these applications. Furthermore, BIA officials could not describe how this performance measure was used within the agency to inform and improve their day-to-day delivery of real estate services.

Performance Management Terminology

- Performance goals set specific targets to define the level of performance or results that an agency expects its program to achieve.
- Performance measures allow management to assess progress toward its goals by measuring the program's performance in objective, quantifiable, and observable ways.
- Evaluation is the systematic collection and analysis of program outcomes for making judgments about how well a program is working and informing decisions.
- Monitoring is continual tracking of program data to determine whether desired results are as expected during implementation.
- Outcomes are the results of products and services that an agency, program, or organization provides.

Sources: GAO and the Office of Management and Budget. | GAO-24-105875

BIA officials told us that instead of using performance measures, they use other ways to monitor their processing times and whether they are meeting regulatory and internal deadlines related to real estate services. At the regional level, BIA staff told us they use monthly meetings to identify and discuss potential challenges, as well as decide on actions to address them. Officials acknowledged that these challenges may not have been elevated to higher levels of management within the agency. BIA also has regulatory and internal deadlines related to real estate services; however, as discussed above, BIA does not regularly or comprehensively monitor its performance against these deadlines.

Our prior work has identified leading practices for effective performance management, which include developing performance measures that

⁷⁸For this measure, "encumbrances" included leasehold and land mortgages, all types of leases, rights-of-way, permits, and service line agreements.

clearly link to preestablished goals.⁷⁹ Key attributes of successful performance measures include addressing core program activities; considering outcomes; having clear and measurable targets; and considering government-wide priorities such as timeliness, quality, and customer service.⁸⁰ Further, we have previously reported that effective program performance measures help managers and staff link day-to-day activities and performance standards to the attainment of program and agency goals.⁸¹

By developing a comprehensive set of performance goals and accompanying measures at multiple levels within the agency related to the processing times of mortgages, leases, rights-of-way, and TSRs, BIA could use the data to monitor whether it is improving its day-to-day delivery of real estate services over time. For example, BIA could develop a performance goal to improve its compliance with the leasehold mortgage regulatory deadlines, as well as associated performance measures to monitor its processing times for those mortgages—including how long it took to complete interim steps in the review and approval process, as well as similar measures for other transaction types. These types of information would enable BIA to monitor changes in its delivery of key real estate services from year to year and make changes, as warranted. Performance goals and measures may give BIA the long-term information needed to understand and help address the concerns cited by Tribes and stakeholders related to lengthy processing times.

⁷⁹GAO, *Native American Veterans: Improvements to VA Management Could Help Increase Mortgage Loan Program Participation*, [GAO-22-104627](#) (Washington, D.C.: Apr. 19, 2022). For examples of reports that define key terms or identified leading practices for effective performance management, see GAO, *Program Evaluation: Key Terms and Concepts*, [GAO-21-404SP](#) (Washington, D.C.: Mar. 22, 2021); *Performance Measurement and Evaluation: Definitions and Relationships*, [GAO-11-646SP](#) (Washington, D.C.: May 2, 2011); and *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005).

⁸⁰GAO, *Telecommunications: FCC Should Enhance Performance Goals and Measures for Its Program to Support Broadband Service in High-Cost Areas*, [GAO-21-24](#) (Washington, D.C.: Oct. 1, 2020); *Military and Veteran Support: Performance Goals Could Strengthen Programs that Help Service Members Obtain Civilian Employment*, [GAO-20-416](#) (Washington, D.C.: July 9, 2020); and *Managing for Results: Selected Agencies Need to Take Additional Efforts to Improve Customer Service*, [GAO-15-84](#) (Washington, D.C.: Oct. 24, 2014).

⁸¹[GAO-22-104627](#).

BIA Has Not Assessed the Quality of Its Communication with Tribes and Stakeholders Regarding Real Estate Services

BIA has not assessed the quality of its communication with Tribes and stakeholders to determine whether the agency is meeting Tribes' and stakeholders' needs regarding real estate services.⁸² For example, BIA has not assessed the quality of communication by its regional and Realty offices—which are the primary entities to interface with Tribes, tribal citizens, applicants, and other stakeholders—when responding to inquiries or requests for assistance. As previously noted, five Tribes and six stakeholders stated that BIA's communication can be untimely, unclear, or inconsistent.

In addition, BIA has not developed policies or guidance specifying procedures or time frames for responding to inquiries from Tribes and stakeholders, including on the status of applications or TSR requests. BIA officials told us that staff try to respond to questions and concerns in a timely manner and consider information requests on a case-by-case basis while considering the requirements of the Privacy Act of 1974.⁸³

Nonetheless, BIA officials agreed with the need to develop policies and guidance specifying procedures and time frames for responding to inquiries, including (1) assisting Tribes, tribal citizens, applicants, or others who prepare applications for real estate transactions; (2) providing information regarding ownership of a given parcel of land; and (3) providing the status of an application or TSR request.

A BIA official also noted that the Bureau of Trust Funds Administration (BTFA)—another bureau within Interior's Office of the Assistant Secretary for Indian Affairs—oversees a beneficiary call center to answer Tribes' and tribal citizens' questions about their trust assets and accounts and that the call center may receive inquiries about the status of a real estate transaction. The official said that BTFA often refers these inquiries to BIA and that there is a need for clarifying each agency's roles and responsibilities in terms of responding to inquiries, which we have

⁸²Quality communication refers to accessible, consistent, clear, and timely information that is disseminated through various methods, both traditional and digital. Traditional communications refer to the telephone, in-person, mail, or guidance documents being available as handouts at regional and Realty offices, whereas digital communication includes email and BIA's website.

⁸³The Privacy Act of 1974 places limitations on agencies' collection, use, and disclosure of personal information maintained in systems of records. TAAMS is a system of record that contains personally identifiable information such as names, addresses, phone numbers, and Social Security numbers. BIA officials told us that staff complete mandatory Privacy Act training on an annual basis.

previously reported on.⁸⁴ In addition, BIA officials told us that while staff also try to respond directly to inquiries from Tribes and individuals, BIA does not have a central mechanism for tracking inquiries like the BTFA beneficiary call center does.

Moreover, although several of the concerns we heard from Tribes and stakeholders related to their seeking information on the status of applications or TSR requests, Tribes and stakeholders have limited ability to submit and check the status of applications and TSR requests online. Currently, only lenders (not applicants or other interested parties) can obtain information on the status of their applications through a web-based Lender Portal—and the portal is limited to mortgages and TSR requests (not leases or rights-of-way). BIA officials stated that they plan to develop a similar portal in fiscal year 2024 for applicants to submit applications and obtain information on the status of their mortgage applications. In the future, BIA officials said they would like to develop similar portals for applicants to have those same capabilities for leases, rights-of-way, and TSRs. However, BIA had no specific plans or time frames for when those portals would be developed.⁸⁵

BIA officials expressed a willingness to assess the quality of the agency's communication regarding real estate services, but they noted that BIA did not have a mechanism (as of July 2023) to collect feedback electronically from Tribes and others for this purpose and that such data collection would require staff resources and OMB approval.⁸⁶ BIA officials added that the Office of the Assistant Secretary for Indian Affairs has taken steps in fiscal years 2022 and 2023 to improve communication via its website, including, but not limited to, real estate services. (See app. IV for details and our observations regarding real estate services on BIA's website.)

Federal standards for internal control state that management should externally communicate quality information to achieve its objectives and select appropriate methods for its communication, considering the

⁸⁴[GAO-23-105356](#).

⁸⁵A BIA official stated that BIA hired a Chief Data Officer in February 2023 who is tasked, in part, with developing a proposal to use web-based applications, including portals relevant to real estate services.

⁸⁶The Paperwork Reduction Act requires federal agencies to obtain approval from the Director of OMB before collecting information, including through surveys, from 10 or more members of the public. 44 U.S.C. § 3507(a)(2).

intended audience and whether information is readily available to the audience when needed.⁸⁷ Management then periodically evaluates the entity's (in this case BIA's) methods to ensure that it has the appropriate tools to communicate quality information on a timely basis. In addition, management should implement control activities through periodic reviews of policies and procedures for continued relevance and effectiveness.

Without assessing its communication regarding real estate services, BIA may be missing opportunities to provide quality information to Tribes and stakeholders about BIA's review and approval process, related deadlines, or how to complete a real estate application. Untimely, unclear, or inconsistent communication—including regarding the status of applications and TSR requests—may exacerbate Tribes' and others' frustration, cause delays, and hinder the willingness of lenders and other parties to participate in residential and economic development on trust and restricted fee lands. Conversely, better communication could help Tribes, tribal citizens, and others prepare complete applications and allay their concerns about the status of their applications or TSR requests, given the lengthy process. An assessment of the quality of its communication with Tribes and stakeholders regarding real estate services would enable BIA to identify any areas for improvement. In addition, the development of policy or guidance specifying procedures and time frames for responding to Tribes' and stakeholders' inquiries would help ensure that BIA's communication is aligned with the agency's mission to serve Tribes and their citizens.

Conclusions

BIA's process to deliver real estate services was designed, in part, to protect the ownership interests of Tribes and tribal citizens in trust and restricted fee lands. BIA can assist Tribes and tribal citizens in realizing their housing and economic development goals and help address persistent, significant challenges that many face—including a lack of affordable housing and barriers to tribal business development.

However, BIA's process is rigorous and often time-intensive, requiring additional steps for real estate transactions that are not required for those who live or operate businesses on other types of land. Moreover, selected Tribes and stakeholders with whom we spoke cited concerns about BIA's timeliness and communication in delivering real estate services, highlighting a variety of adverse effects related to financing, lending and investment, and housing challenges. Our analysis of available data

⁸⁷[GAO-14-704G](#).

affirmed these concerns and indicated several instances in which BIA is not meeting its regulatory and internal deadlines. Our work also identified the need for more complete and accurate data, as well as improved assessment and monitoring by BIA of its processing times for real estate services.

By addressing these concerns, BIA could improve its understanding of its delivery of real estate services to Tribes and their citizens, including areas where improved processing times—both overall and interim—and compliance with deadlines is needed. Only then can BIA begin to assess the factors that contribute to any lengthy processing times or missed deadlines and take steps to improve them. Addressing these root causes could help make what is a challenging process for Tribes and their citizens as efficient as possible, allowing Tribes and their citizens to finalize their real estate transactions with minimal delay.

In addition, we identified improved communication with Tribes and their citizens—both about what to expect with BIA’s review process and the status of Tribes’ and their citizens’ applications—to be an important element for BIA to improve its delivery of real estate services. BIA’s improved communication could help Tribes and others manage their expectations for the process and may help prevent some frustration while working with the agency, including while waiting for an application to be reviewed and approved.

Recommendations for Executive Action

We are making the following six recommendations to BIA:

The Director of BIA should provide additional training and guidance to staff on TAAMS data field definitions and data entry requirements to ensure that staff are entering all information necessary to measure processing times and whether regulatory and internal deadlines are being met for new lease and right-of-way applications. BIA should also provide similar training and guidance to accompany the forthcoming TAAMS mortgage module that will replace the Mortgage Tracker.
(Recommendation 1)

The Director of BIA should enhance TAAMS to include additional data edit checks that require staff to enter all information necessary for measuring processing times and whether regulatory and internal deadlines are being met for new lease and right-of-way applications.
(Recommendation 2)

The Director of BIA should conduct regular oversight and review of data entered into TAAMS to assess the degree to which new lease and right-of-way applications contain all information necessary to measure processing times and whether regulatory and internal deadlines are being met. BIA should also conduct this regular oversight and review of mortgage applications following implementation of the forthcoming TAAMS mortgage module that will replace the Mortgage Tracker. (Recommendation 3)

The Director of BIA should, using available data, conduct an initial assessment of its processing times and compliance with regulatory and internal deadlines in delivering real estate services (mortgages, leases, rights-of-way, and TSR requests). As a part of that assessment, BIA should identify and develop a plan to address any areas for improvement, factors affecting processing times (including staff shortages), and additional data needs for future analysis. (Recommendation 4)

The Director of BIA should develop performance goals and accompanying measures for the agency to monitor its processing times and compliance with regulatory and internal deadlines for delivering real estate services (mortgages, leases, rights-of-way, and TSR requests) on an ongoing basis and inform its plans to improve processing times, as appropriate. (Recommendation 5)

The Director of BIA should assess the quality of its communication with Tribes and stakeholders regarding real estate services and, based on that assessment, identify any areas for improvement. This could include the development of policy or guidance specifying procedures and time frames for responding to inquiries, such as those concerning the status of applications and TSR requests. (Recommendation 6)

Agency Comments

We provided a draft of this report to Interior for review and comment. In its comments, reproduced in appendix V, Interior agreed with our recommendations. Regarding enhancing the accuracy and completeness of data needed to measure processing times and whether BIA is meeting internal and regulatory deadlines, Interior noted that BIA has begun to implement changes. These changes include updating TAAMS to track BIA's processing times for some real estate transactions, as well as increasing the amount of TAAMS-related training for the agency's staff. Interior also agreed that BIA should develop a strategic plan that will provide for regular oversight of realty data entered into TAAMS.

We are sending copies of this report to the appropriate congressional committees, the Secretary of the Interior, the Assistant Secretary for Indian Affairs, the Director of BIA, and other interested parties. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-3841 or ortiza@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff members who made key contributions to this report are listed in appendix VI.

A handwritten signature in black ink, appearing to read 'A. Ortiz', with a stylized flourish at the end.

Anna Maria Ortiz
Director, Natural Resources and Environment

List of Addressees

The Honorable Brian Schatz
Chair
The Honorable Lisa Murkowski
Vice Chair
Committee on Indian Affairs
United States Senate

The Honorable Tina Smith
Chair
Subcommittee on Housing, Transportation, and Community Development
Committee on Banking, Housing, and Urban Affairs
United States Senate

The Honorable John Thune
United States Senate

The Honorable Harriet Hageman
Chair
The Honorable Teresa Leger Fernández
Ranking Member
Subcommittee on Indian and Insular Affairs
Committee on Natural Resources
House of Representatives

The Honorable Dusty Johnson
House of Representatives

Appendix I: Objectives, Scope, and Methodology

This report examines (1) what the Bureau of Indian Affairs' (BIA) data indicate about processing times for delivering real estate services and the extent to which the agency met regulatory and internal deadlines for these services;¹ (2) selected Tribes'² and stakeholders' views on BIA's timeliness and communication in delivering real estate services; and (3) steps BIA has taken to improve real estate services, and the extent to which BIA has assessed its processing times and communication.

To address all three objectives, we conducted a literature search to identify articles on the Department of the Interior's real estate services for Tribes and tribal citizens. We searched several databases (including Scopus, ProQuest, Westlaw Edge, and Google Advanced) using search terms such as Tribe, tribal, mortgage, lease, right-of-way, and title status report (TSR). We identified and reviewed 17 relevant articles. We also reviewed our relevant prior work,³ along with others' related testimonies before the Senate Committee on Indian Affairs.⁴

To evaluate what BIA data indicate about processing times for delivering real estate services and the extent to which the agency met regulatory

¹In our analysis of BIA data, processing times refer to the overall length of time it took BIA to process a real estate transaction from the date that the agency received an application for the transaction to the date that recorded documentation for the approved transaction was returned to the applicant or lender. Similarly, our analysis of BIA processing times for title status reports (TSR) refer to the overall length of time it took BIA to complete a request for a TSR from the date that the request was made to the date that the request was completed.

²For the purposes of this report, "Tribes" refers to Indian Tribes that have been federally recognized. As of September 2023, there are 574 federally recognized Tribes. 88 Fed. Reg. 2112 (Jan. 12, 2023).

³GAO, *COVID-19 Relief Funds: Lessons Learned Could Improve Future Distribution of Federal Emergency Relief to Tribal Recipients*, [GAO-23-105473](#) (Washington, D.C.: Dec. 15, 2022); *Tribal Economic Development: Action Is Needed to Better Understand the Extent of Federal Support*, [GAO-22-105215](#) (Washington, D.C.: Aug. 30, 2022); *Tribal Broadband: National Strategy and Coordination Framework Needed to Increase Access*, [GAO-22-104421](#) (Washington, D.C.: June 22, 2022); and *Native American Veterans: Improvements to VA Management Could Help Increase Mortgage Loan Program Participation*, [GAO-22-104627](#) (Washington, D.C.: Apr. 19, 2022).

⁴S. 3381: *Tribal Trust Land Homeownership Act of 2021*, Testimony of Sharon Vogel, Executive Director, Cheyenne River Housing Authority, Committee on Indian Affairs, United States Senate, Feb. 16, 2022; *Lending Opportunities: Opening the Door to Homeownership in Indian Country*, Committee on Indian Affairs, United States Senate, Oct. 16, 2019, S. Hrg. 116-150; *Building Out Indian Country: Tools for Community Development*, Committee on Indian Affairs, United States Senate, April 10, 2019, S. Hrg. 116-16; and *Accessing Capital in Indian Country*, Committee on Indian Affairs, United States Senate, June 17, 2015, S. Hrg. 114-97.

and internal deadlines, we analyzed BIA data on mortgage, residential lease, business lease, and right-of-way applications that were processed in fiscal years 2021 and 2022—the most recent and complete data available. We also examined BIA data on TSR requests that were fulfilled in fiscal years 2018 through 2022.⁵ In addition, on the basis of the availability of data, we conducted a separate analysis of one internal deadline in BIA’s real estate transaction approval process for residential and business lease and right-of-way applications processed in fiscal years 2018 through 2022. We also analyzed the length of time it took Realty offices to request recording of application documents for these three types of real estate transactions in fiscal years 2018 through 2022. In this report, we did not analyze data on other types of real estate services, such as appraisals.

Specifically, for mortgages, we analyzed data from BIA’s Mortgage Tracker, a spreadsheet used by agency staff to track the processing of mortgage applications. We analyzed applications for leasehold mortgages of residential and business leases, as well as applications for land mortgages on tribal citizens’ trust or restricted fee land for residential, business, or agricultural purposes. Leasehold mortgages for other types of leases (e.g., wind and solar leases), and other types of land mortgages, were outside the scope of our review.

For residential and business leases, rights-of-way, and TSRs, we analyzed data extracted from BIA’s Trust Asset and Accounting Management System (TAAMS), the system of record for title and land ownership data for land held in trust by the federal government for Tribes and tribal citizens. To assess the reliability of Mortgage Tracker and TAAMS data, we (1) performed electronic testing for obvious errors in accuracy and completeness; (2) reviewed related documentation; and (3) interviewed BIA officials to understand data fields, how staff use these data systems, and the source of any data errors.

We found that some completed mortgage applications in the Mortgage Tracker data contained missing entries for certain data fields used in our analyses or had chronological errors where the number of days elapsed between certain date fields was negative; we excluded these cases from

⁵A TSR is a document issued after title examination that shows, among other things, the current ownership of, land status of, and encumbrances on a property, as indicated by the record of title maintained by BIA’s Land Titles and Records Office (LTRO).

our analyses.⁶ BIA officials explained that missing data and chronological errors in the Mortgage Tracker data are the result of incorrect data entry on the part of BIA staff. We also found that a majority of residential leases, business leases, and rights-of-way applications captured in TAAMS data in fiscal years 2021 and 2022 were missing date entries for steps in BIA's approval process that are necessary for measuring processing times and whether regulatory and internal deadlines—with the exception of one—were met. (See the section of our report on objective 1 for further discussion.) We did not find missing data or chronological errors in the TAAMS TSR data. We determined the Mortgage Tracker and TAAMS TSR data to be sufficiently reliable for the purpose of determining whether BIA met regulatory and internal deadlines and for presenting summary information on BIA's average, median, minimum, and maximum time frames for processing mortgages and TSRs.

As part of our objective to evaluate what BIA data indicate about processing times for real estate services, we also interviewed officials from the three key BIA central offices responsible for policy or oversight related to real estate services—the Division of Real Estate Services, the Division of Land Titles and Records, and the Office of Field Operations—to obtain BIA's views on factors affecting processing times. In addition, we interviewed a nongeneralizable sample of BIA field offices that provide direct real estate services to Tribes and their citizens.

We selected three of BIA's 12 regional offices, three of the 83 Realty offices, and three of the nine Land Titles and Records Offices (LTRO) for interviews. Specifically, we selected the Great Plains, Northwest, and Pacific regional offices and their corresponding LTROs; and, within those same regions, we selected the Cheyenne River, Puget Sound, and Southern Realty offices, respectively. We selected the regional offices using the following criteria, based on our analysis of BIA data and other information: (1) the regions had higher-than-average workloads for mortgages, leases, rights-of-way, and TSRs; (2) the regions processed different types of real estate transactions; (3) at least one region served a

⁶For example, we found that 48 of the 357 leasehold mortgage applications that were approved and returned to the lender in fiscal years 2021 and 2022 were missing the date that the letter notifying the applicant of the decision to approve the mortgage was issued by BIA. In addition, six of the 357 leasehold mortgage applications had a negative number of elapsed days between the decision letter issuance date and the date that BIA initially received the leasehold mortgage application with all required documents. Therefore, our analysis of the average and median number of days between these date fields—for which there is a regulatory deadline of 20 days for a leasehold mortgage of a residential or business lease application—excludes these 54 applications.

Tribe with HEARTH Act of 2012 authority;⁷ (4) at least one region had slower-than-average processing times; and (5) at least one region had faster-than-average processing times.

By selecting these regions, we also selected the three LTROs that were collocated with those regions. To select the three Realty offices, we selected those with the highest number of transactions within their respective region. Information from our interviews with BIA field offices is not generalizable to other field offices.

To describe Tribes' and stakeholders' views on BIA's timeliness and BIA's communication in delivering real estate services, we selected a nongeneralizable sample of five Tribes.⁸ Of these five Tribes, we interviewed four—Morongo Band of Mission Indians, Oglala Sioux Tribe, Crow Tribe of Montana, and Fort Belknap Indian Community—and we received written information from a fifth Tribe, Oneida Nation. To identify and select Tribes to interview, we established the following criteria: (1) they are federally recognized Tribes and thus eligible for services from BIA; (2) they have a land base containing trust or restricted fee lands; (3) they represent a range of geographic areas served by different BIA regional offices and LTROs; and (4) they have experience with BIA processing mortgages, leases, rights-of-way, or TSRs. We also selected three of the five Tribes in part because they have authority to issue residential or business leases without secretarial approval, pursuant to the HEARTH Act of 2012.

In addition, we interviewed a nongeneralizable sample of representatives from eight entities that provide financial or other assistance to Tribes and tribal citizens regarding real estate transactions; we call these entities real estate "stakeholders" in this report. These stakeholders included a federal agency (the U.S. Department of Housing and Urban Development); a federal research center whose mission is to advance the economic self-determination and prosperity of indigenous communities (Federal Reserve Bank of Minneapolis' Center for Indian Country Development); a Native community development financial institution (Native Community

⁷The HEARTH Act of 2012 authorizes Tribes to issue leases, including residential and business leases, on tribal trust and restricted fee lands without secretarial approval if the Secretary of the Interior has approved a Tribe's leasing regulations. 25 U.S.C. § 415(h).

⁸Tribes' and stakeholders' views did not take into account the results of our data analysis, which we had not completed or made available at the time of our interviews. As a result, Tribes' and stakeholders' views on timeliness were of a general nature, based on their experiences in working with BIA.

Capital); a national association of title insurance professionals (American Land Title Association); and four other organizations focused on housing, economic development, and related topics (the Indian Land Tenure Foundation, National American Indian Housing Council, NeighborWorks America, and Travois).

We identified and selected these stakeholders based on their expertise, as indicated by their published articles, testimonies, reports, publicly available webinars, presentation at a conference we attended, referrals from other stakeholders, or our review of their websites. We performed a content analysis of the information provided by the selected Tribes and stakeholders to identify key themes related to BIA's timeliness and communication regarding real estate services. Information from these interviews is not generalizable to other Tribes and stakeholders.

To evaluate steps BIA has taken to improve real estate services, and the extent to which BIA has assessed its processing times, compliance with regulatory and internal deadlines, and communication, we reviewed BIA regulations, policy, guidance, and other agency documents. We also interviewed officials from the three key BIA central offices responsible for oversight or policy related to real estate services. In addition, we interviewed the nongeneralizable sample of BIA field offices, as previously described—in part to obtain information on performance measures and other internal measures used by the agency.

We also reviewed federal standards for internal control to identify best practices for using quality information and evaluating performance.⁹ Furthermore, we reviewed Interior's strategic plans, annual performance plans, and annual performance reports from fiscal years 2018 through 2022, and other BIA documentation on performance measures that the agency tracked internally; and we interviewed officials from the Office of Budget and Performance Management within Interior's Office of the Assistant Secretary for Indian Affairs.¹⁰ We compared this information with criteria from our prior work that identified effective performance management, including defining long-term goals and performance measures, to assess the extent to which BIA follows these best

⁹GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

¹⁰Interior's Office of the Assistant Secretary for Indian Affairs oversees BIA, the Bureau of Indian Education, and the Bureau of Trust Funds Administration.

practices.¹¹ We also reviewed BIA's efforts to evaluate its website, as well as guidance from the Office of Management and Budget regarding standards for federal agencies' communication through multiple channels, including digital communication.¹²

We conducted this performance audit from March 2022 to October 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

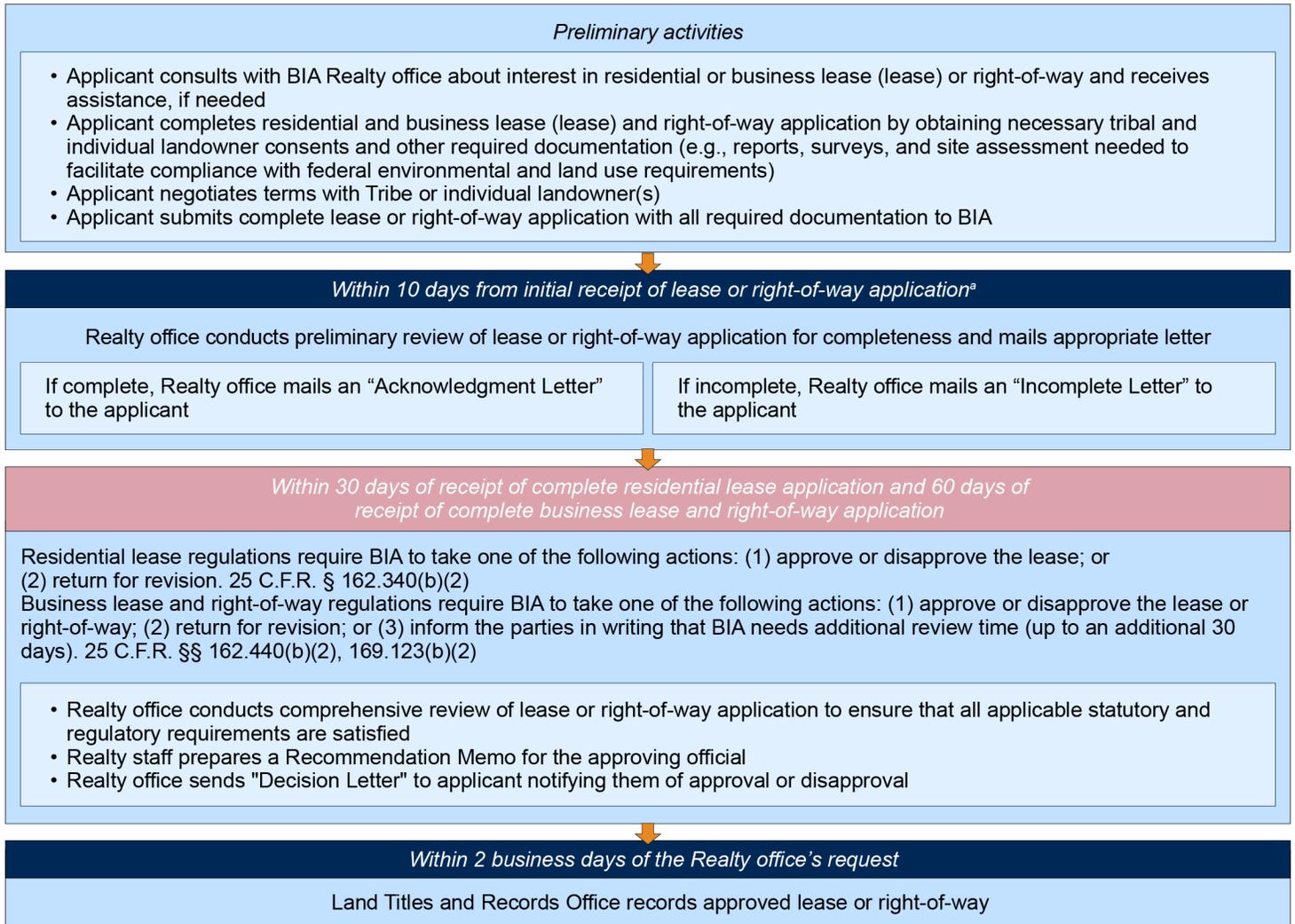
¹¹GAO, *Affordable Broadband: FCC Could Improve Performance Goals and Measures, Consumer Outreach, and Fraud Risk Management*, [GAO-23-105399](#) (Washington, D.C.: Jan. 18, 2023); and *Native American Veterans: Improvements to VA Management Could Help Increase Mortgage Loan Program Participation*, [GAO-22-104627](#) (Washington, D.C.: Apr. 19, 2022).

¹²Office of Management and Budget, Circular No. A-11, *Preparation, Submission, and Execution of the Budget* (Washington, D.C.: Aug. 2022).

Appendix II: Additional Bureau of Indian Affairs' (BIA) Review Processes

BIA regulations, policies, and guidance establish the steps necessary to obtain the agency's approval for residential leases, business leases, rights-of-way, or to issue title status reports (TSR). In addition, BIA regulations generally establish a deadline for the agency to approve or disapprove a complete application for residential leases, business leases, and rights-of-way. BIA has also established a number of internal deadlines for reviewing and approving residential leases, business leases, and rights-of-way. See figure 3 for the specific steps involved in BIA's process to review and approve a residential lease, business lease, or right-of-way application.

Figure 3: Bureau of Indian Affairs' (BIA) Process to Review and Approve Applications for a Residential Lease, Business Lease, or Right-of-Way on Trust and Restricted Fee Land



Regulatory deadline Internal BIA deadline

Source: GAO summary of BIA documents. | GAO-24-105875

^aThis is an internal deadline. Regulations require BIA to promptly notify the applicant whether the application is complete. 25 C.F.R §§ 162.440(b), 162.340(b), 169.123(b).

As previously noted, BIA also provides a key supporting document for real estate transactions, called a TSR, which contains, among other things, the proper legal description of a tract of Indian land, current land ownership, and any encumbrances on a property (such as a mortgage,

easement, or lien).¹ BIA issues a certified TSR to the lender or applicant following official approval of a real estate transaction, such as a lease, mortgage, or right-of-way.

Figure 4: Bureau of Indian Affairs (BIA) Process for Issuing Certified Title Status Reports (TSR)



Source: GAO analysis of BIA documents. | GAO-24-105875

^aThe flowchart above describes the process for requesting a TSR via a local Realty office. Some requesters may also request and receive TSRs directly from their local LTRO.

¹BIA's Land Titles and Records Offices (LTRO) are responsible for issuing TSRs. A TSR is created by an examiner in an LTRO after examining the property's title. Certified TSRs from BIA are needed for underwriting mortgages, as well as selling these mortgages in the secondary market.

Appendix III: Additional Analyses of the Bureau of Indian Affairs' (BIA) Processing Times

This appendix contains additional analyses of Trust Asset and Accounting Management System (TAAMS) and Mortgage Tracker data. Specifically, we found significant differences in the volume and processing times of leasehold mortgages and land mortgages processed across BIA regional Realty offices in fiscal years 2021 and 2022 (see tables 7 and 8).¹ For example, the median number of days that it took the Midwest region to process 57 leasehold mortgages over this time period was 17 days, which was the lowest median number of days among regions. By contrast, the median number of days it took the Western region to process six leasehold mortgages was 189 days, which was the highest median number of days among regions.

Table 7: Number of Days Elapsed between BIA's Receipt of a Complete Application for Leasehold Mortgages for Residential and Business Leases (Leasehold Mortgages) and the Return of the Approved Application to the Lender, by BIA Region, Fiscal Years 2021 and 2022

Region ^a	Number of processed leasehold mortgages ^b	Average (days)	Range (minimum–maximum) (days)	Median (days)
Eastern	22	57	18–293	45
Great Plains	54	33	1–218	33
Midwest	57	27	5–253	17
Navajo	3	38	22–56	37
Northwest	85	31	2–165	22
Pacific	81	96	6–459	68
Rocky Mountain	23	162	14–335	122
Southwest	22	39	14–45	42
Western	6	182	30–307	189
Total	353	59	1–459	40

Source: GAO analysis of Bureau of Indian Affairs (BIA) Mortgage Tracker data. | GAO-24-105875

^aThree BIA regional offices—Alaska, Eastern Oklahoma, and Southern Plains—did not approve any leasehold mortgage applications in fiscal years 2021 to 2022, according to the Mortgage Tracker data.

^bWe found that 357 leasehold mortgages for residential and business leases (leasehold mortgages) were processed by BIA—meaning that they were received and approved by the agency and then returned to the lender as the final step in the process—in fiscal years 2021 and 2022. Mortgage applications that did not have sufficient data for measurement—meaning that related date fields were either missing or nonchronological—are excluded from our analysis and, therefore, do not appear in the table above.

¹BIA regional offices provide oversight and supervision of the Realty offices that are responsible for processing real estate transactions in the region. As described earlier in this report, there are 12 regional offices and 83 Realty offices. Throughout this report, we refer to leasehold mortgages of residential and business leases as “leasehold mortgages” and land mortgages of tribal citizens’ trust or restricted fee lands for residential, business, and agricultural purposes as “land mortgages.”

**Appendix III: Additional Analyses of the
Bureau of Indian Affairs' (BIA) Processing
Times**

Table 8: Number of Days Elapsed between BIA's Receipt of a Complete Application for Land Mortgages for Residential, Business, or Agricultural Purposes (Land Mortgages) and the Return of the Approved Application to the Lender, by BIA Region, Fiscal Years 2021 and 2022

Region^a	Number of processed land mortgages^b	Average (days)	Range (minimum–maximum) (days)	Median (days)
Great Plains	18	12	1–49	7
Midwest	3	68	21–92	90
Northwest	91	86	5–416	66
Pacific	1	234	234–234	234
Rocky Mountain	8	120	16–260	110
Southern Plains	3	223	43–479	147
Western	2	45	22–67	45
Total	126	81	1–479	59

Source: GAO analysis of Bureau of Indian Affairs (BIA) Mortgage Tracker data. | GAO-24-105875

^aFive BIA regional offices—Alaska, Eastern, Eastern Oklahoma, Navajo, and Southwest—did not approve any land mortgage applications in fiscal years 2021-2022, according to the Mortgage Tracker data.

^bWe found that 127 land mortgages for residential, business, and agricultural purposes (land mortgages) were processed by BIA—meaning that they were received and approved by the agency then returned to the lender as the final step in the process—in fiscal years 2021 and 2022. Mortgage applications that did not have sufficient data for measurement—meaning that date fields related to calculating whether BIA met the specified internal deadline were either missing or nonchronological—are also excluded from our analysis and, therefore, do not appear in the table above.

We examined TSR data by specific LTROs and found that the number of TSRs for mortgages that each LTRO certified, as well as the percentage that met the 7-day internal deadline, varied in fiscal years 2018 through 2022. For example, 100 percent (11 of 11) of TSRs for mortgages certified by the Muskogee, Oklahoma, LTRO met the 7-day deadline, which was the highest percentage among LTROs. This compares with 19 percent (142 of 760) certified by the Southwest LTRO, which was the lowest (see table 9).

**Appendix III: Additional Analyses of the
Bureau of Indian Affairs' (BIA) Processing
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Table 9: Title Status Reports (TSR) for Mortgages Certified by Land Titles and Records Offices (LTRO) for Which BIA Met Its Internal Deadline, by LTRO, Fiscal Years 2018 through 2022

LTRO	Certified TSRs that met the 7-day deadline		Total number of certified TSRs ^a	Average (days)	Range (days)	Median (days)
	Percentage	Number				
Aberdeen, South Dakota	79%	668	841	5	0–197	2
Anadarko, Oklahoma	48%	86	181	14	1–118	8
Anchorage, Alaska	44%	8	18	12	1–40	9
Billings, Montana	38%	98	260	28	0–556	10
Midwest (Minnesota)	91%	641	707	3	0–46	2
Muskogee, Oklahoma	100%	11	11	0	0–1	0
Portland, Oregon	84%	1,402	1,673	7	0–718	1
Sacramento, California	57%	178	311	25	0–927	5
Southwest (New Mexico)	19%	142	760	16	0–195	13

Source: GAO analysis of Bureau of Indian Affairs (BIA) Trust Asset and Account Management System data. | GAO-24-105875

Note: According to a memorandum issued by the Director of BIA in 2019, the LTRO should issue a certified TSR for mortgage applications within 7 days of receipt of the request from the BIA agency (internal deadline). There are no internal deadlines for other types of TSR requests and no regulatory deadlines for any type of TSR request. The Trust Asset and Accounting Management System data we analyzed did not specify the type of mortgage (such as a land or leasehold mortgage) for which a TSR request was fulfilled.

^aThese totals were used to calculate the percentage of certified TSRs that met the deadline. Certified TSR requests that were not initiated or completed, or were not for the purpose of a mortgage, in fiscal years 2018 through 2022 are excluded from this analysis.

We also analyzed TSR processing times for all transaction types. While we found that LTROs' processing times to certify TSRs across all types of real estate transactions has generally improved, we found differences regarding their processing times and in the overall number of TSRs certified in fiscal years 2018 through 2022 (see tables 10 and 11).

**Appendix III: Additional Analyses of the
Bureau of Indian Affairs' (BIA) Processing
Times**

Table 10: Number of Days between Title Status Report (TSR) Requests and Certification for All Transaction Types, Nationally, Fiscal Years 2018 through 2022^a

Fiscal year	Total number of certified TSRs^b	Average (days)	Range (days)	Median (days)
2018	4,098	11	0–1,467	0
2019	3,568	21	0–1,148	6
2020	2,981	19	0–1,030	4
2021	2,814	12	0–489	5
2022	2,887	9	0–306	3

Source: GAO analysis of Bureau of Indian Affairs (BIA) Trust Asset and Account Management System data. | GAO-24-105875

^aThis included TSRs for all transaction types, including mortgages, leases, and rights-of-way, among others.

^bCertified TSR requests that were not completed or not received in fiscal years 2018 through 2022 are excluded from this analysis.

Table 11: Number of Days between Title Status Report (TSR) Requests and Certification for All Transaction Types, by BIA Land Titles and Records Office (LTRO), Fiscal Years 2018 through 2022^a

LTRO	Total number of certified TSRs^b	Average (days)	Range (days)	Median (days)
Aberdeen, South Dakota	1,979	6	0–489	1
Anadarko, Oklahoma	900	61	0–1,467	27
Anchorage, Alaska	2,869	6	0–692	2
Billings, Montana	505	72	0–732	24
Midwest (Minnesota)	1,390	2	0–100	1
Muskogee, Oklahoma	1,048	11	0–615	0
Portland, Oregon	4,619	9	0–1,061	3
Sacramento, California	1,023	26	0–927	1
Southwest (New Mexico)	2,015	16	0–195	13

Source: GAO analysis of Bureau of Indian Affairs (BIA) Trust Asset and Account Management System data. | GAO-24-105875

^aThis included TSRs for all transaction types, including mortgages, leases, and rights-of-way, among others.

^bCertified TSR requests that were not completed or not received in fiscal years 2018 through 2022 are excluded from this analysis.

Appendix IV: Observations Regarding Real Estate Services on the Bureau of Indian Affairs' (BIA) Website

The Department of the Interior's Office of the Assistant Secretary for Indian Affairs (Indian Affairs) has undertaken efforts to improve its website, including, but not limited to, the information it provides related to BIA's real estate services.¹ Indian Affairs plans to enter into a contract with a website content strategist, in part to develop a mobile-friendly website that provides a comprehensive list of services, resources, and programs. The strategist's work will aim, in part, to conduct (1) a qualitative analysis of all content on a network of sites and social media accounts and (2) identify areas for improvement. In addition, according to a BIA official, the agency's Office of Trust Services entered into a contract with a website content writer in August 2021 to produce clear, persuasive text and employ methods to maximize the website's reach through search engines.

As Indian Affairs takes steps to improve BIA's website, we provide the following observations for consideration about the website's user-friendliness regarding real estate services. As of September 2023, we found that BIA's website provides easily accessible contact information for the 12 regional offices by providing a general phone number, fax number, and mailing or physical addresses—and, in some cases, the name of an official. The website also provides easily accessible contact information for the Land Titles and Records Offices (LTRO). In addition, we found that the website provides links to various guidance documents (such as handbooks) for each of the real estate transactions within the scope of this review (mortgages, residential and business leases, and rights-of-way). We also found that

- flowcharts illustrating the application process are easily accessible on the website for some, but not all, types of real estate transactions. Specifically, BIA's website displays an easy-to-find flowchart illustrating the various steps for applicants to prepare, and BIA's process for reviewing, rights-of-way applications. However, flowcharts for leasehold and land mortgages and residential and business leases were not accessible on the web pages for those transactions and, in the case of the business lease flowchart, required readers to review a lengthy handbook;
- checklists for completing applications are easily accessible on the website for some, but not all, transaction types. Specifically, checklists for mortgages and rights-of-way are readily available on the website,

¹Interior's Office of the Assistant Secretary for Indian Affairs oversees BIA, the Bureau of Indian Education, and the Bureau of Trust Funds Administration.

but checklists for residential and business leases require users to open and review lengthy handbooks;

- guidance on what specific information is required for a title status report (TSR) request is not easily accessible on BIA's website. Instead, the "Land Title Services" page refers web users to LTRO contacts in regional offices to obtain that information;² and
- the BIA web pages we reviewed related to real estate services did not provide an online mechanism for users to provide feedback, suggestions for improvement, or submit comments regarding the web pages' usefulness.

²See <https://www.bia.gov/service/land-title-services>.

Appendix V: Comments from the Department of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

October 13, 2023

Ms. Anna Maria Ortiz, Director
Natural Resources and Environment Team
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Ortiz:

Thank you for providing the Department of the Interior (Department) the opportunity to review and comment on the draft Government Accountability Office (GAO) report entitled, "Tribal Issues: Bureau of Indian Affairs Should Take Additional Steps to Improve Timely Delivery of Real Estate Services (GAO-24-105875)."

The Department concurs with the following six recommendations issued by GAO:

Recommendation 1 - The Director of BIA should provide additional training and guidance to staff on the Trust Asset and Accounting Management System (TAAMS) data field definitions and data entry requirements to ensure that staff are entering all information necessary to measure processing times and whether regulatory and internal deadlines are being met for new lease and right-of-way applications. BIA should also provide similar training and guidance to accompany the forthcoming TAAMS mortgage module that will replace the Mortgage Tracker.

Department Response: Concur. The mission of the Bureau of Indian Affairs (BIA) Office of Trust Services (OTS) is to protect, develop, manage, and enhance Indian trust resources for the benefit of American Indian and Alaska Native peoples and expand economic opportunities through effective trust management that recognizes and supports Tribes' self-governance and self-determination.

The BIA OTS created the Division of Resource Integration and Services (DRIS) to facilitate the modernization of data resource communication and interface prompt collaboration amongst programs and improve workflows throughout the BIA in support of mission objectives. The DRIS seeks to enhance collaboration and sharing of geospatial information and data resources among offices, programs, field offices and Tribes to promote a BIA-wide management approach to inform and enhance priority initiatives, natural resource management decisions, environmental and cultural resource management. Improvement in the Bureau-level management of geospatial skills, data, and technology is required to address local and landscape mission-oriented strategic policy development and implementation as well as efficient use of bureau resources.

The BIA's Division of Real Estate Services (DRES) created National Realty User Groups that consist of Central Office, Regional, and Agency subject matter experts who review real estate policies and procedures, create and update TAAMS Business Rules, create and submit TAAMS Change Requests (enhancements), and complete TAAMS enhancement testing. The DRES plans to ensure each Region provides a subject matter expert to the Realty User Groups to implement data field definitions and data entry requirements in order to maximize the utilization of TAAMS. DRES and the User Groups will create and implement strategies to monitor processing timeframes for regulatory deadlines, deliver metrics, and demonstrate success. The DRES and the User Groups will create TAAMS Change Requests to add additional data entry requirements, data field definitions and additional monitoring, tracking and reporting mechanisms. DRES is preparing the calendar year 2024 TAAMS training schedule. The DRES is increasing the number of TAAMS trainings for the BIA and Tribal Contract/Compact field staff. DRES is adding new TAAMS trainings for the Fee-to-Trust (FTT) Portal and the Mortgage Module, as well as increasing TAAMS trainings for various realty modules including lockbox, surface leasing, business leasing, and rights-of-way (ROW).

The DRES supports the Department and BIA priorities to develop outcome tasks and complete activities that will improve daily operations; delivery of trust services; and enhance relationships with Tribes, trust owners and beneficiaries, stakeholders, and Federal partners. The BIA OTS and DRES will continue to prioritize the Strike Team and resources to assist Regions in processing high-priority workloads. The BIA DRES will review and audit processing timelines for leases and conveyances in TAAMS to ensure all regulatory and internal timeframes are being met. DRES will also focus on long-term strategies for sustained progress of initiatives to continue support for Tribes and Individual Owners/Beneficiaries by collaboration and engagement.

Recommendation 2 - The Director of BIA should enhance TAAMS to include additional data edit checks that require staff to enter all information necessary for measuring processing times and whether regulatory and internal deadlines are being met for new lease and right-of-way applications.

Department Response: Concur. The BIA has already drafted and submitted TAAMS change requests to the TAAMS Change Management Board (TCMB) for its November 2023 quarterly meeting. The change requests are for enhancements to the TAAMS system to provide the mechanism to track internal and regulatory processing times to ensure they are met for new leases and ROW applications. The development and implementation of new modules may take time, so the BIA is submitting its request as soon as possible.

The DRES and the User Groups will create and implement strategies to monitor processing timeframes for regulatory deadlines, deliver metrics, and demonstrate success. The DRES and the User Groups will create TAAMS Change Requests to add additional data entry requirements; data field definitions; and monitoring, tracking and reporting mechanisms. The DRES will draft a National Policy Memorandum (NPM) for BIA and Tribal Contract/Compact staff regarding enhanced TAAMS requirements, encoding, tracking and reporting mechanisms. These enhanced TAAMS requirements and reporting will let DRES monitor processing timeframes (regulatory or internal) to ensure BIA is meeting deadlines for leasing and ROWs.

Recommendation 3 - The Director of BIA should conduct regular oversight and review of data entered into TAAMS to assess the degree to which new lease and right-of-way applications contain all information necessary to measure processing times and whether regulatory and internal deadlines are being met. BIA should also conduct this regular oversight and review of mortgage applications following implementation of the forthcoming TAAMS mortgage module that will replace the Mortgage Tracker.

Department Response: Concur. The BIA queries TAAMS data as part of its Internal Risk Review process in reviewing its annual OMB Circular A-123 self-assessment and internal audits. These queries are to determine the number of transactions approved within the fiscal year. The internal A-123 assessment questionnaires include looking at processing times and whether regulatory and internal deadlines have been met. For FY2024, the Business and Residential Leases will be internally assessed by the BIA regions and agencies. The BIA will develop a strategic plan of regular oversight and review of realty data entered in TAAMS.

The BIA DRES created a Strike Team to assist regions and agencies to review, monitor and process high priority and backlog realty leases and transactions. The DRES, User Groups, and Realty Strike Team will:

- Identify Processing Support: conduct regular review and update of realty processes including TAAMS data to efficiently promote accurate leasing, mortgages and development on trust lands;
- Collaboration: identify barriers and develop solutions to increase support to field staff, tribes, and Individual owners and beneficiaries;
- Policy and Regulatory Updates: align and establish policy and regulations with current realty program practices; and
- Identifying Development Needs: increase regular review and monitoring of compliance and consistency of roles, responsibilities, regulation, and policy among field offices.

As the BIA has shared in its GAO interviews and has tried to express in its responses, our ability to better serve Tribes and Individual landowners is hampered by staff shortages and limited appropriations. The DRES will continue identifying the staff, resources, and timelines necessary to complete high-priority workloads or BIA initiatives. DRES will also focus on long-term strategies for sustained progress of initiatives, including strengthening support and collaboration with field offices, Tribes and individual beneficiaries and owners.

Recommendation 4 - The Director of BIA should, using available data, conduct an initial assessment of its processing times and compliance with regulatory and internal deadlines in delivering real estate services (mortgages, leases, rights-of-way, and title status report (TSR) requests). As a part of that assessment, BIA should identify and develop a plan to address any areas for improvement, factors affecting processing times (including staff shortages), and additional data needs for future analysis.

Department Response: Concur. The BIA DRES and LTRO will develop periodic reviews (starting with an initial assessment) and reporting alongside its traditional IRR/A-123 process as described above.

The BIA OTS will further assess and report on a plan of action from the periodic reviews to address areas of improvement and factors affecting processing times of applications including (mortgages, leases, ROWs and TSRs). A key component of a plan of action will be a strategic plan on how to address the BIA's staffing levels, with increased efforts for recruitment and training through new direct hiring authority and workforce development planning.

Recommendation 5 - The Director of BIA should develop performance goals and accompanying measures for the agency to monitor its processing times and compliance with regulatory and internal deadlines for delivering real estate services (mortgages, leases, rights-of-way, and TSR requests) on an ongoing basis and inform its plans to improve processing times, as appropriate.

Department Response: Concur. The BIA will develop and submit FY2024 GPRA performance goals to monitor processing times and compliance with regulatory deadlines for mortgages as there is a method for tracking timeframes presently with Mortgage Tracker. The development and implementation of a TAAMS mortgage module is already in process, and DRES is already working on TAAMS enhancements for Leases and ROWs which may take several years for build out.

The BIA will consider measuring the time taken between mortgage approval and issuance of a final title status report to improve efficiencies and collaborate with the Land Titles and Records office. The GAO draft report noted a 76% success rate for compliance with its regulatory timeframes; the BIA could measure the regulatory timelines for just mortgage transactions and identify the performance goal to 80-85%; however, the BIA is still making further considerations for a performance measure for the future FY for mortgages.

Recommendation 6 - The Director of BIA should assess the quality of its communication with Tribes and stakeholders regarding real estate services and based on that assessment, identify any areas for improvement. This could include the development of policy or guidance specifying procedures and time frames for responding to inquiries, such as those concerning the status of applications and TSR requests.

Department Response: Concur. The BIA encourages the regions and agencies field operations to provide outreach and collaborative activities with Tribes to assess improving its communication with the Tribes. The goal is to develop communication policies on responding and implementing timeframes to inquiries concerning the status of realty applications, and other real estate services. This includes reviewing current policies and the development of updated policies and guidance to aid in this effort.

Also, the BIA recently developed a Fee-to-Trust Portal that is fueled by TAAMS information which would allow an applicant the ability in real time to check on the status of their fee-to-trust applications. The BIA will work to develop a TAAMS Mortgage Module with a similar portal to allow applicants the same abilities in real time to check on mortgage application statuses as well as the status of TSR requests. The BIA will submit TAAMS Change Requests for lease and ROW modules for enhanced tracking and reporting to respond to inquiries received.

The BIA plans to hold a nationwide procedural and TAAMS training on the updated regulations once they are completed including 25 CFR 151 – Land Acquisitions (FTT) and the FTT Portal. We also plan to provide nationwide training on the TAAMS Mortgage Module once it is completed and ready for use. The BIA DRES will continue to review and update all outdated policies and procedures to fulfill our trust responsibility to Tribes and Individual owners and beneficiaries.

The OTS supports the Department and BIA initiatives to develop strategic plans, prioritize workloads, and complete activities that will improve daily operations, delivery of trust services, and enhance relationships with Tribes, trust owners and beneficiaries, stakeholders, and Federal partners. The BIA will continue identifying staff and resources, as well as reviewing and auditing procedural and TAAMS timelines to focus on short-term and long-term strategies for sustained progress of initiatives, including strengthening Tribal collaboration and engagement.

Upon receipt of the final report, the Department will submit a written statement of planned or completed actions taken in response to these recommendations. The statement will provide expected completion dates and responsible parties for the implementation of each recommendation.

If you have any questions, please contact Darryl LaCounte, BIA Director, or Johnna Blackhair, BIA Deputy Bureau Director – OTS.

Sincerely,



Bryan Newland
Assistant Secretary – Indian Affairs

Appendix VI: GAO Contact and Staff Acknowledgments

GAO Contact

Anna Maria Ortiz, (202) 512-3841 or ortiza@gao.gov

Staff Acknowledgments

In addition to the contact named above, Paige Gilbreath (Assistant Director), Josey Ballenger (Analyst in Charge), Adrian Apodaca, Estelle Bowman, Heather Dowey, Andrew Edkins, Cindy Gilbert, Chloe Kay, Ying Long, Caitlin Scoville, Yinghua Shi, and Jeanette Soares made key contributions to this report. Other contributors included Benjamin Licht, Patricia MacWilliams, Silda Nikaj, and Leigh White.

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