

NATIONAL AMERICAN INDIAN HOUSING COUNCIL

SECTION-BY-SECTION ANALYSIS OF H.R. 2523

HELPING EXPEDITE AND ADVANCE RESPONSIBLE TRIBAL
HOMEOWNERSHIP ACT

August 7, 2009

Section 1. Short Title.

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Section 1 provides the title of the Act as the “Helping Expedite and Advance Responsible Tribal Homeownership Act” or the “HEARTH Act.”

Section 2. Approval of, and Regulations Related to, Tribal Leases.

(Pp. 2-5)

Section 2 amends the Indian Long-term Leasing Act of 1955 to authorize Indian tribes to negotiate and execute leases of their tribal trust lands with the requirement that the leases be reviewed or approved by the Secretary of the Interior. Participating tribes must have leasing regulations approved by the Secretary.

Section 3. Land Title Reports – Review and Report to Congress.

(Pp. 5-7)

Section 3 provides that not later than 180 days after funds are made available, the Bureau of Indian Affairs (BIA) shall submit a report to the Committees on Financial Services and Natural Resources in the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Indian Affairs in the Senate. The report will examine the experience of Indian tribes that are managing Indian Land Title and Records Office (LTRO) functions.

The review will analyze the following factors: 1) whether and how tribal management of the LTRO functions has expedited the processing and issuance of Indian land title certifications; 2) whether and how tribal management of LTRO functions has increased home ownership among the managing tribe’s population; 3) what internal preparations were required of the tribes before assuming LTRO responsibilities; 4) whether tribal management of the LTRO functions resulted in transfer of financial and manpower resources from the BIA to the tribe, and if so, what transfers were undertaken; 5) whether LTRO functions may be performed by a single Indian tribe or a tribal consortium in a cost effective manner.