

119TH CONGRESS
1ST SESSION

S. 723

To require the Bureau of Indian Affairs to process and complete all mortgage packages associated with residential and business mortgages on Indian land by certain deadlines, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2025

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

A BILL

To require the Bureau of Indian Affairs to process and complete all mortgage packages associated with residential and business mortgages on Indian land by certain deadlines, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Trust Land
5 Homeownership Act of 2025”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

3 (A) a Regional office of the Bureau;

4 (B) an Agency office of the Bureau; or

5 (C) a Land Titles and Records Office of
6 the Bureau.

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

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

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

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

19 (6) LAND MORTGAGE.—The term “land mort-
20 gage” means a mortgage obtained by an individual
21 Indian who owns a tract of trust land for the pur-
22 pose of—

23 (A) home acquisition;

24 (B) home construction;

25 (C) home improvements; or

1 (D) economic development.

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

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

12 (9) RELEVANT FEDERAL AGENCY.—The term
13 “relevant Federal agency” means any of the fol-
14 lowing Federal agencies that guarantee or make di-
15 rect mortgage loans on Indian land:

16 (A) The Department of Agriculture.

17 (B) The Department of Housing and
18 Urban Development.

19 (C) The Department of Veterans Affairs.

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

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

6 **SEC. 3. MORTGAGE REVIEW AND PROCESSING.**

7 (a) REVIEW AND PROCESSING DEADLINES.—

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

15 (2) PRELIMINARY REVIEW.—

16 (A) IN GENERAL.—Not later than 10 cal-
 17 endar days after receipt of a proposed residen-
 18 tial leasehold mortgage, business leasehold
 19 mortgage, land mortgage, or right-of-way docu-
 20 ment, the applicable Bureau office shall conduct
 21 and complete a preliminary review of the resi-
 22 dential leasehold mortgage, business leasehold
 23 mortgage, land mortgage, or right-of-way docu-
 24 ment to verify that all required documents are
 25 included.

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

7 (3) APPROVAL OR DISAPPROVAL.—

8 (A) LEASEHOLD MORTGAGES.—Not later
9 than 20 calendar days after receipt of a com-
10 plete executed residential leasehold mortgage or
11 business leasehold mortgage, proof of required
12 consents, and other required documentation, the
13 applicable Bureau office shall approve or dis-
14 approve the residential leasehold mortgage or
15 business leasehold mortgage.

16 (B) RIGHT-OF-WAY DOCUMENTS.—Not
17 later than 30 calendar days after receipt of a
18 complete executed right-of-way document, proof
19 of required consents, and other required docu-
20 mentation, the applicable Bureau office shall
21 approve or disapprove the right-of-way docu-
22 ment.

23 (C) LAND MORTGAGES.—Not later than 30
24 calendar days after receipt of a complete exe-
25 cuted land mortgage, proof of required con-

1 sents, and other required documentation, the
2 applicable Bureau office shall approve or dis-
3 approve the land mortgage.

4 (D) REQUIREMENTS.—The determination
5 of whether to approve or disapprove a residen-
6 tial leasehold mortgage or business leasehold
7 mortgage under subparagraph (A), a right-of-
8 way document under subparagraph (B), or a
9 land mortgage under subparagraph (C)—

10 (i) shall be in writing; and

11 (ii) in the case of a determination to
12 disapprove a residential leasehold mort-
13 gage, business leasehold mortgage, right-
14 of-way document, or land mortgage shall,
15 state the basis for the determination.

16 (E) APPLICATION.—This paragraph shall
17 not apply to a residential leasehold mortgage or
18 business leasehold mortgage with respect to In-
19 dian land in cases in which the applicant for
20 the residential leasehold mortgage or business
21 leasehold mortgage is an Indian tribe (as de-
22 fined in subsection (d) of the first section of the
23 Act of 1955 (69 Stat. 539, chapter 615; 126
24 Stat. 1150; 25 U.S.C. 415(d))) that has been
25 approved for leasing under subsection (h) of

that section (69 Stat. 539, chapter 615; 126 Stat. 1151; 25 U.S.C. 415(h)).

(4) CERTIFIED TITLE STATUS REPORTS.—

(A) COMPLETION OF REPORTS.—

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

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

(II) a subsequent certified title status report.

(ii) REQUESTS FOR FIRST CERTIFIED TITLE STATUS REPORTS.—Notwithstanding clause (i), not later than 14 calendar days after the applicable Bureau of-

1 fice receives a request for a first certified
 2 title status report from an applicant for a
 3 residential leasehold mortgage, business
 4 leasehold mortgage, land mortgage, or
 5 right-of-way document under paragraph
 6 (1), the applicable Bureau office shall com-
 7 plete the processing of the first certified
 8 title status report.

9 (B) NOTICE.—

10 (i) IN GENERAL.—As soon as prac-
 11 ticable after completion of the processing
 12 of, as applicable, a first certified title sta-
 13 tus report or a subsequent certified title
 14 status report under subparagraph (A), but
 15 by not later than the applicable deadline
 16 described in that subparagraph, the appli-
 17 cable Bureau office shall give notice of the
 18 completion to the lender.

19 (ii) FORM OF NOTICE.—The applica-
 20 ble Bureau office shall give notice under
 21 clause (i)—

22 (I) electronically through secure,
 23 encryption software; and

24 (II) through the United States
 25 mail.

1 (iii) OPTION TO OPT OUT.—The lend-
 2 er may opt out of receiving notice elec-
 3 tronically under clause (ii)(I).

4 (b) NOTICES.—

5 (1) IN GENERAL.—If the applicable Bureau of-
 6 fice does not complete the review and processing of
 7 mortgage packages under subsection (a) (including
 8 any corresponding first certified title status report
 9 or subsequent certified title status report under
 10 paragraph (4) of that subsection) by the applicable
 11 deadline described in that subsection, immediately
 12 after missing the deadline, the applicable Bureau of-
 13 fice shall provide notice of the delay in review and
 14 processing to—

15 (A) the party that submitted the mortgage
 16 package or requested the first certified title sta-
 17 tus report; and

18 (B) the lender for which the mortgage
 19 package (including any corresponding first cer-
 20 tified title status report or subsequent certified
 21 title status report) is being requested.

22 (2) REQUESTS FOR UPDATES.—In addition to
 23 providing the notices required under paragraph (1),
 24 not later than 2 calendar days after receiving a rel-
 25 evant inquiry with respect to a submitted mortgage

1 package from the party that submitted the mortgage
2 package or the lender for which the mortgage pack-
3 age (including any corresponding first certified title
4 status report or subsequent certified title status re-
5 port) is being requested or an inquiry with respect
6 to a requested first certified title status report from
7 the party that requested the first certified title sta-
8 tus report, the applicable Bureau office shall re-
9 spond to the inquiry.

10 (c) DELIVERY OF FIRST AND SUBSEQUENT CER-
11 TIFIED TITLE STATUS REPORTS.—Notwithstanding any
12 other provision of law, any first certified title status report
13 and any subsequent certified title status report, as appli-
14 cable, shall be delivered directly to—

15 (1) the lender;

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

19 (3) in the case of a proposed residential lease-
20 hold mortgage or land mortgage, the relevant Fed-
21 eral agency that insures or guarantees the loan; and

22 (4) if requested, any individual or entity de-
23 scribed in section 150.303 of title 25, Code of Fed-
24 eral Regulations (as in effect on the date of enact-
25 ment of this Act).

1 (d) ACCESS TO TRUST ASSET AND ACCOUNTING
2 MANAGEMENT SYSTEM (TAAMS).—Beginning on the
3 date of enactment of this Act, the relevant Federal agen-
4 cies and Indian Tribes shall have read-only access to por-
5 tals containing the relevant land documents from the
6 Trust Asset and Accounting Management System (com-
7 monly known as “TAAMS”) maintained by the Bureau.

8 (e) ANNUAL REPORT.—

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

14 (A) for the most recent calendar year, the
15 number of requests received to complete resi-
16 dential leasehold mortgage packages, business
17 leasehold mortgage packages, land mortgage
18 packages, and right-of-way document packages
19 (including any requests for corresponding first
20 certified title status reports and subsequent cer-
21 tified title status reports), including a detailed
22 description of—

23 (i) requests that were and were not
24 successfully completed by the applicable

1 deadline described in subsection (a) by
2 each applicable Bureau office; and

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

6 (B) the length of time needed by each ap-
7 plicable Bureau office during the most recent
8 calendar year to provide the notices required
9 under subsection (b)(1).

10 (2) REQUIREMENT.—In submitting the report
11 required under paragraph (1), the Director shall
12 maintain the confidentiality of personally identifiable
13 information of the parties involved in requesting the
14 completion of residential leasehold mortgage pack-
15 ages, business leasehold mortgage packages, land
16 mortgage packages, and right-of-way document
17 packages (including any corresponding first certified
18 title status reports and subsequent certified title sta-
19 tus reports).

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

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

10 (2) an estimate of the time and total cost nec-
 11 essary for Indian Tribes to digitize the records de-
 12 scribed in paragraph (1), in conjunction with assist-
 13 ance in that digitization from the Bureau.

14 **SEC. 4. ESTABLISHMENT OF REALTY OMBUDSMAN POSI-**
 15 **TION.**

16 (a) IN GENERAL.—The Director shall establish with-
 17 in the Division of Real Estate Services of the Bureau the
 18 position of Realty Ombudsman, who shall report directly
 19 to the Secretary of the Interior.

20 (b) FUNCTIONS.—The Realty Ombudsman shall—

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

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

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

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

9 (B) helping to facilitate communications
10 between the relevant Federal agencies and the
11 Bureau on matters relating to mortgages on In-
12 dian land;

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

18 (5) serve as the intermediary between the In-
19 dian Tribes, members of Indian Tribes, and lenders
20 and the Bureau in responding to inquiries and ques-
21 tions and resolving complaints.

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