

INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter establishes the basic policy, authorities, and responsibilities for the Indian Affairs' (IA) Office of Regulatory Affairs and Collaborative Action (RACA).

RACA ensures IA's compliance with requirements and standards related to regulatory and policy operations, and oversight of conflict resolution. Specifically, RACA is responsible for a broad range of regulatory functions that involve collaboration with all IA bureaus, offices, Tribal partners, and other stakeholders, including: facilitating IA's compliance with the Administrative Procedurc Act, Privacy Act, and Paperwork Reduction Act; developing and revising regulations to address statutory requirements and IA program issues; serving as the Department's regulatory contact for IA; managing the Federal Register notice process for IA; managing IA's Directives System in order to facilitate the development and communication of consistent IA policies, procedures, and other directives; and facilitating IA's participation in the Department's CORE PLUS dispute resolution program.

- 1.2 Scope.** Compliance with federal and Departmental requirements for regulatory processes, information collections, alternative dispute resolution, negotiated rulemaking, and directives management applies to all programs under the authority of the Assistant Secretary-Indian Affairs (AS-IA), including the offices under the AS-IA, the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE).

- 1.3 Policy.** It is the policy of IA to comply with all applicable federal laws and regulations and Departmental policies and procedures governing the operational processes inherent in its delivery of services, including fostering participation and collaboration amongst and within IA bureaus, offices, Tribal partners, Department counterparts, and other stakeholders for the effective and efficient functioning of its component activities.

- 1.4 Authority.**

A. Statutes and Regulations.

- 1) 5 U.S.C. § 302, Delegation of Authority
- 2) 5 U.S.C. § 551 et seq., Administrative Procedure Act
- 3) 5 U.S.C. Subchapter III, Negotiated Rulemaking Procedure
- 4) 5 U.S.C. Subchapter IV, Administrative Means of Dispute Resolution in the Administrative Process
- 5) 5 U.S.C. § 601 et seq., The Analysis of Regulatory Functions
- 6) 5 U.S.C. Appendix 2, Federal Advisory Committee Act
- 7) 25 U.S.C. § 2, Commissioner of Indian Affairs

INDIAN AFFAIRS MANUAL

Part 18
Chapter 1

Regulatory Affairs and Collaborative Action
Overview and Responsibilities

Page 2

- 8) 25 U.S.C. § 9, Regulations by President
- 9) 31 U.S.C. § 1111, Improving Economy and Efficiency
- 10) 44 U.S.C. Chapter 21, National Archives and Records Administration
- 11) 44 U.S.C. Chapter 25, National Historical Publications and Records Commission
- 12) 44 U.S.C. Chapter 27, Advisory Committee on the Records of Congress
- 13) 44 U.S.C. Chapter 29, Records Management by the Archivist of the United States
- 14) 44 U.S.C. Chapter 31, Records Management by Federal Agencies
- 15) 44 U.S.C. § 3501 et seq., Paperwork Reduction Act of 1995 (PRA) as amended
- 16) 5 CFR 1320, Controlling Paperwork Burdens on the Public
- 17) 43 CFR 14, Petitions for Rulemaking

B. Guidance.

- 1) Executive Order 12866, Regulatory Planning and Review, 1993
- 2) Executive Order 13175, Consultation and Coordination With Indian Tribal Governments, 2000
- 3) Executive Order 13563, Improving Regulation and Regulatory Review, 2011
- 4) Office of Management and Budget (OMB) Bulletin No. 07-03 (M-07-07) Agency Good Guidance Practices, January 18, 2007
- 5) OMB Memorandum, Information Collection under the Paperwork Reduction Act, April 7, 2010
- 6) 110 Departmental Manual (DM) 8, Office of the Assistant Secretary-Indian Affairs
- 7) 209 DM 8, [Delegation to] Assistant Secretary-Indian Affairs
- 8) 318 DM 1 – 3, Federal Register Documents
- 9) 381 DM 1, Directives Management
- 10) 381 DM 3, Directives of Other Agencies
- 11) 381 DM 4, Departmental Directives System

INDIAN AFFAIRS MANUAL

12) 381 DM 11 – 13, Origination of Records and Information

13) 370 DM 752.2, Conflict Resolution Plus Program

C. Handbooks.

- 1) Federal Register Document Drafting Handbook, Office of the Federal Register, current version
- 2) 318 DM Handbook, “How to Prepare Regulations and Federal Register Notices”

1.5 Responsibilities.

- A. **AS-IA** is responsible for ensuring that IA, including the offices under the AS-IA, BIA, and BIE, establishes appropriate organizational arrangements and procedures, while utilizing adequate staffing and resources, to implement compliance with federal and Departmental regulations, requirements, policies, and procedures.
- B. **Deputy Assistant Secretaries and Directors, BIA and BIE** are responsible for ensuring IA processes and resources are in place to facilitate cooperation and responsiveness to regulatory development; ensuring policy and procedures for functions within their authority are accurate and up-to-date; and fostering an environment of collaborative problem-solving to address workplace issues/concerns at the earliest opportunity. This includes communicating with and managing Regional Directors’ participation in regulatory response/development as needed, and ensuring policy is carried out as documented.
- C. **Director, RACA** is responsible for providing leadership and management of IA’s compliance with regulations, requirements, and standards related to regulatory and policy operations, including:
 - 1) coordination and management of Federal Register requirements for IA;
 - 2) coordination and management of Paperwork Reduction Act compliance and Information Collection requirements for IA;
 - 3) development, coordination, and management of regulations applicable to IA programs;
 - 4) development, coordination, and management of the IA Directives System, which includes guidance and assistance to programs in establishing IA policies, including Indian Affairs Manual (IAM) chapters, policy memoranda (National Policy Memoranda and Regional Policy Memoranda), and handbooks; and

INDIAN AFFAIRS MANUAL

Part 18

Regulatory Affairs and Collaborative Action

Chapter 1

Overview and Responsibilities

Page 4

- 5) development and implementation of the Department's CADR program for IA by establishing policy, implementation guidance, and standard operating procedures for management of the program.

Approval



John Tahsuda

Principal Deputy Assistant Secretary-Indian Affairs

AUG 16 2019

Date