

INDIAN AFFAIRS MANUAL

1.1 Purpose. This chapter establishes the policy, authorities, and responsibilities for the Indian Affairs' (IA) Office of Regulatory Affairs and Collaborative Action (RACA). RACA facilitates IA's compliance with requirements and standards related to regulatory requirements and policy operations.

Specifically, RACA is responsible for facilitating IA's compliance with the Administrative Procedure Act and Paperwork Reduction Act (PRA); developing and revising regulations to address statutory requirements and IA program issues, and serving as the Department of the Interior's (DOI or Department) 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; overseeing IA's internal forms development and publication process; facilitating Tribal consultation efforts related to regulatory issues; and managing all of IA's Advisory Committee work, including negotiating rulemaking.

1.2 Scope. This policy applies to all programs and offices under the authority of the Assistant Secretary-Indian Affairs (AS-IA), including offices reporting to the AS-IA, the Bureau of Indian Affairs (BIA), the Bureau of Indian Education (BIE), and the Bureau of Trust Funds Administration (BTFA)¹.

1.3 Policy. It is the policy of IA to comply with all applicable laws and regulations and Departmental policies and procedures regarding regulatory and Tribal consultation processes, information collections and forms management, and directives management.

1.4 Authority.

A. Statutes and Regulations.

- 1) 5 U.S.C. 5, Subchapters I – III, Administrative Procedure
- 2) 5 U.S.C. Chapter 6, The Analysis of Regulatory Functions
- 3) 5 U.S.C. §§ 801-808, Congressional Review of Agency Rulemaking
- 4) 5 U.S.C. Appendix 2, Federal Advisory Committee Act (FACA)
- 5) 31 U.S.C. § 1111, Improving Economy and Efficiency
- 6) 44 U.S.C. Chapter 15, Federal Register and Code of Federal Regulations

¹ The Bureau of Trust Funds Administration (BTFA) manages their own policies and is therefore generally excluded from the IA Directives System, though there are exceptions. BTFA policies are available on their respective SharePoint site: <https://doimsp.sharepoint.com/sites/btfa-official-documents/SitePages/Policies.aspx>.

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- 7) 44 U.S.C. §§ 3101-3102, Records Management by Federal Agencies
- 8) 44 U.S.C. § 3501 et seq., Paperwork Reduction Act (PRA), as amended
- 9) 5 CFR 1320, Controlling Paperwork Burdens on the Public
- 10) 43 CFR 14, Petitions for Rulemaking

B. Guidance.

- 1) Executive Order (EO) 12866, Regulatory Planning and Review, 1993
- 2) EO 13175, Consultation and Coordination With Indian Tribal Governments, 2000
- 3) EO 13563, Improving Regulation and Regulatory Review, 2011
- 4) EO 14058, Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government, 2021
- 5) Office of Management and Budget (OMB) Bulletin No. 07-03 (M-07-07), Final Bulletin for Agency Good Guidance Practices, January 18, 2007
- 6) OMB Memorandum, Testing and Simplifying Federal Forms, August 9, 2012
- 7) OMB Memorandum (M-22-10), Improving Access to Public Benefits Programs Through the Paperwork Reduction Act, April 13, 2022
- 8) OMB Memorandum, Information Collection under the Paperwork Reduction Act, April 7, 2010²
- 9) OMB Memorandum, Uniform Standards for Tribal Consultations, November 30, 2022
- 10) 318 Departmental Manual (DM) 1 – 3, Federal Register Documents
- 11) 381 DM 1, Directives Management
- 12) 381 DM 4, Departmental Directives System

² Additional PRA and information collection guidance is located on OMB's webpage here: <https://www.whitehouse.gov/omb/information-regulatory-affairs/federal-collection-information/>.

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- 13) 381 DM 11 – 13, Origination of Records and Information
- 14) 386 DM 3, Web Standards and Guidelines
- 15) 387 DM 1, Policy and Guidance for Creating, Using, and Maintaining Forms
- 16) 512 DM 4 – 7, Departmental Policy and Procedures for Consultation with Indian Tribes and Alaska Native Claims Settlement Act Corporations
- 17) [RACA's Best Practices in Federal Consultation, 2022](#)
- 18) [Department Guideline on Consultation/Listening Sessions – Online Only, 2023](#)
- 19) [Secretarial Correspondence Bulletin, SCU-SCB-22-001, Tribal Consultation Reports – Update to April 13, 2021 Memo: “Review and Clearance of Decision Memoranda, Memoranda of Understanding/Agreement, Annual Tribal Governance Reports, and Certain Federal Register Notices and Other Documents”](#)

C. Handbooks.

- 1) 1 IAM 1-H: Indian Affairs Directives System Handbook
- 2) Office of the Federal Register, Document Drafting Handbook, current version
- 3) 318 DM Handbook: How to Prepare Regulations and Federal Register Notices
- 4) [DOI Forms Master Style Guide](#)
- 5) [DOI Forms Development Process Guide](#)

1.5 Responsibilities.

- A. **AS-IA** is responsible for ensuring that IA has adequate resources to establish and implement appropriate policies, procedures, and regulations, and comply 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, policy, and forms development, and that policy and procedures for functions within their authority are accurate and up-to-date. This includes communicating with and managing Regional Directors' participation in

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regulatory, policy, and forms 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 PRA compliance and Information Collection requirements for IA;
 - 3) coordination and management of internal forms for IA;
 - 4) development, coordination, and oversight of IA's DM chapter updates;
 - 5) development, coordination, and management of regulations applicable to IA programs, including facilitating consultations, and listening sessions related to regulatory development, as well as for nonregulatory topics, as needed;
 - 6) coordination and management of advisory committees in compliance with FACA and the Negotiated Rulemaking Committee Act requirements, including providing technical assistance, recordkeeping, preparing and facilitating meetings and meeting notices, and drafting and delivery of final reports/proposed regulations;
 - 7) development, coordination, and management of the IA Directives System, which includes providing 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
 - 8) development and management of online webpages and other resources to facilitate transparency and access to IA's policies, regulatory processes, consultation information, and other functions, as necessary.

Approval



Wizipan Garriott
Principal Deputy Assistant Secretary – Indian Affairs

October 17, 2024

Date