

# INDIAN AFFAIRS MANUAL

Part 52

Real Estate Services

Chapter 16

Processing Excess Real Property Land Transfers

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- 1.1 Purpose.** This chapter establishes the Bureau of Indian Affairs' (BIA) policy to process excess real property transfers to Tribal governments efficiently and effectively.
- 1.2 Scope.** This policy applies to all headquarters, regional, field, and program staff under the authority of the Assistant Secretary – Indian Affairs (AS-IA), including all programs and offices under the AS-IA within the BIA and the Bureau of Indian Education (BIE).
- 1.3 Policy.** It is the BIA's policy to ensure process and accountability while supporting the transfer of excess personal and real government property to federally recognized Indian Tribes, and to work closely with the General Services Administration (GSA) to streamline the process for transferring excess federal real property to federally recognized Indian Tribes. The BIA will comply with all Federal laws and regulations as well as Departmental policies regarding the processing and approval of excess real property transfers to federally recognized Indian Tribes.
- 1.4 Authority.**

## **A. Statutes and Regulations.**

- 1) 40 U.S.C. §§ 521-523, Federal Property and Administrative Services Act of 1949, as amended
- 2) P.L. 93-638, Indian Self-Determination and Education Assistance (ISDEAA) Act, as amended
- 3) P.L. 100-526, Base Closure and Realignment Act (BRAC), as amended
- 4) 41 CFR 101, Federal Property Management Regulations
- 5) 41 CFR 102, Subchapter C, Federal Management Regulations (FMR) – Real Property
- 6) 43 CFR 2372.1, Notice of Intent to Relinquish Action by Holding Agency

## **B. Guidance.**

- 1) 3 IAM 4, Delegation of Authority – Director, BIA to Deputy Bureau Director, Field Operations and to Regional Organizational Levels
- 2) 23 IAM 3, Personal & Real Property Inventory

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## C. Handbooks.

- 1) 52 IAM 16-H, Excess Real Property Transfers Handbook

## 1.5 Responsibilities.

- A. AS-IA** is responsible for accepting the excess real property transfer on the GSA's letter of transfer and signing the GSA form 1334. This authority may be redelegated to the Regional Directors (RDs) under 3 IAM 4.
- B. Director, BIA (DBIA)** is responsible for ensuring that appropriate organizational arrangements, resources, and personnel are available to implement and maintain the BIA realty program. The DBIA serves as the Senior Accountable Official for this program and has primary responsibility for implementing and executing BIA programs in accordance with statute, regulation, and Departmental policy.
- C. Deputy Bureau Director (DBD), Field Operations** is responsible for overseeing the RDs and disseminating policies relevant to the regions.
- D. DBD, Office of Trust Services (OTS), BIA** is responsible for ensuring that statutory and regulatory timetables for excess real property transfers are met, and guidance is available to regional and agency staff tasked with processing property packages; initiating periodic program reviews of regional and agency programs; and assisting in the development and dissemination of trust resource policies to the RDs.
- E. Chief, Division of Real Estate Services (DRES), OTS** is responsible for overall policy and guidance development within the division, including establishing realty program policies and standards to comply with statutory and regulatory requirements; day-to-day oversight of the realty program; ensuring technical assistance and training is provided to BIA regions as needed; conducting program reviews; and managing BIA's federal reporting requirements as they relate to the realty program and producing or preparing data quality reports related to excess property. The Division Chief is responsible for overseeing the review, transfer, and acceptance of the transfer package in the Data Tracking System (DTS).
- F. RDs** serve as the Senior Accountable Official for the realty program in their respective region and is responsible for reviewing and acting on excess property transfers that are not otherwise delegated to the BIA agency level.
- G. BIA Agency Superintendent** is responsible for managing their respective agency realty program compliance in day-to-day operations and coordinating reviews of property transfer requests. Superintendents are responsible for implementing realty's

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responsibilities at the appropriate level as re-delegated by the DBD Field Operations or RD. Such delegation will only be made when the BIA agency or program office has appropriate expertise on staff or are otherwise readily available.

**H. Regional Property Officer** is responsible for overseeing the Property Management Program in their region, including implementing and executing BIA property management policies and procedures to ensure compliance.

## 1.6 Definitions.

**A. Excess Property** means property under the control of a federal agency that the head of the agency determines is not required to meet the agency's needs or responsibilities (40 U.S.C. § 102(3)).

**B. Real Property** is any land, buildings and other structures, fixtures, and improvements of any type located thereon. The term "real" should be associated with realty, land, or something attached thereto. Real property may also include heritage assets and land.

## 1.7 Standards, Requirements, and Procedures.

See the corresponding handbook, 52 IAM 16-H: Excess Real Property Transfers Handbook, for detailed procedures related to processing excess real property transfers to Tribal governments.

## Approval



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