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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

**[189A2100DD/AAKC001030/A0A501010.999900 253G; OMB Control Number 1076-0168]**

### Agency Information Collection Activities; Tribal Probate Codes

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is proposing to renew an information collection.

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**DATES:** Interested persons are invited to submit comments on or before [INSERT

**DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].**

**ADDRESSES:** Send your comments on the information collection request (ICR) by mail to Ms. Charlene Toledo, Bureau of Indian Affairs, Office of Trust Services, Division of Probate Services 2600 N Central Ave, STE MS 102, Phoenix, AZ 85004; or email to Charlene.Toledo@bia.gov. Please reference OMB Control Number 1076-0168 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Ms. Charlene Toledo by telephone at (505) 563-3371.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an

opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the BIA (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* As sovereignties, federally recognized tribes have the right to establish their own probate codes. When those probate codes govern the descent and distribution of trust or restricted property, they must be approved by the Secretary of the Department of the Interior. The American Indian Probate Reform Act of 2004 (AIPRA) amendments to the Indian Land Consolidation Act, 25 U.S.C. 2201 et seq., provides that any tribal

probate code, any amendment to a tribal probate code, and any free-standing single heir rule are subject to the approval of the Secretary if they contain provisions governing trust lands. This statute also establishes the basic review and approval of tribal probate codes. This information collection covers tribes' submission of tribal probate codes, amendments, and free-standing single heir rules containing provisions regarding trust lands to the Secretary for approval. Submission of information is required to comply with ILCA, as amended by AIPRA, 25 U.S.C. 2201 et seq., which provides that Indian tribes must obtain Secretarial approval for all tribal probate codes, amendments, and free-standing single heir rules that govern the descent and distribution of trust or restricted lands.

*Title of Collection:* Tribal Probate Codes.

*OMB Control Number:* 1076-0168.

*Form Number:* N/A.

*Type of Review:* Extension without change of currently approved collection.

*Respondents/Affected Public:* Indian tribes.

*Total Estimated Number of Annual Respondents:* 10 on average.

*Total Estimated Number of Annual Responses:* 10 on average.

*Estimated Completion Time per Response:* 2 hours.

*Total Estimated Number of Annual Burden Hours:* 20 hours.

*Respondent's Obligation:* A response is required to obtain a benefit.

*Frequency of Collection:* One per respondent, on occasion.

*Total Estimated Annual Nonhour Burden Cost:* \$0.

An agency may not conduct or sponsor and a person is not required to respond to

a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

**Elizabeth K. Appel,**

*Director,*

*Office of Regulatory Affairs and Collaborative Action – Indian Affairs.*

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