

Calendar No. 364

114TH CONGRESS
2D SESSION**S. 383****[Report No. 114–207]**

To provide for Indian trust asset management reform, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2015

Mr. CRAPO (for himself, Mr. RISCH, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

FEBRUARY 8, 2016

Reported by Mr. BARRASSO, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for Indian trust asset management reform, 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; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.—This Act may be cited as the~~
5 ~~“Indian Trust Asset Reform Act”.~~

1 (b) **TABLE OF CONTENTS.**—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECOGNITION OF TRUST RESPONSIBILITY

Sec. 101. Findings.

Sec. 102. Reaffirmation of policy.

TITLE II—INDIAN TRUST ASSET MANAGEMENT DEMONSTRATION PROJECT

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Establishment of demonstration project; selection of participating Indian tribes.

Sec. 204. Indian trust asset management plan.

Sec. 205. Effect of title.

TITLE III—RESTRUCTURING THE OFFICE OF THE SPECIAL TRUSTEE

Sec. 301. Purpose.

Sec. 302. Definitions.

Sec. 303. Under Secretary for Indian Affairs.

Sec. 304. Office of Special Trustee for American Indians.

Sec. 305. Appraisals and valuations.

Sec. 306. Cost savings.

3 **TITLE I—RECOGNITION OF** 4 **TRUST RESPONSIBILITY**

5 **SEC. 101. FINDINGS.**

6 Congress, after careful review of the historical and
 7 special legal relationship of the United States with, and
 8 resulting responsibilities to, Indians, finds that—

9 (1) the relationship of Indian tribes to the
 10 United States is founded in part on the settled doctrine
 11 of the law of nations that when a stronger sovereign
 12 assumes authority over a weaker sovereign,
 13 the stronger nation assumes a duty of protection for

1 the weaker nation, which does not surrender the
2 right to self-government;

3 (2) the fiduciary responsibilities of the United
4 States to Indians also are founded in part on spe-
5 cific commitments made through written treaties
6 and agreements securing peace, in exchange for
7 which Indians have surrendered claims to vast tracts
8 of land, which provided legal consideration for per-
9 manent, ongoing performance of Federal trust du-
10 ties; and

11 (3) the foregoing historic Federal-tribal rela-
12 tions and understandings have benefitted the people
13 of the United States as a whole for centuries and es-
14 tablished enduring and enforceable Federal obliga-
15 tions to which the national honor has been com-
16 mitted.

17 **SEC. 102. REAFFIRMATION OF POLICY.**

18 Pursuant to the constitutionally vested authority of
19 Congress over Indian affairs, Congress reaffirms that the
20 fiduciary responsibilities of the United States to Indian
21 tribes include a duty to promote tribal self-determination
22 regarding governmental authority and economic develop-
23 ment.

1 **TITLE II—INDIAN TRUST ASSET**
 2 **MANAGEMENT DEMONSTRA-**
 3 **TION PROJECT**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Indian Trust Asset
 6 Management Demonstration Project Act of 2015”.

7 **SEC. 202. DEFINITIONS.**

8 In this title:

9 (1) **INDIAN TRIBE.**—The term “Indian tribe”
 10 means an Indian tribe that—

11 (A) is federally recognized; and

12 (B) submits an application under section
 13 203(e).

14 (2) **PROJECT.**—The term “Project” means the
 15 Indian trust asset management demonstration
 16 project established under section 203(a).

17 (3) **SECRETARY.**—The term “Secretary” means
 18 the Secretary of the Interior.

19 **SEC. 203. ESTABLISHMENT OF DEMONSTRATION PROJECT;**

20 **SELECTION OF PARTICIPATING INDIAN**
 21 **TRIBES.**

22 (a) **IN GENERAL.**—The Secretary shall establish and
 23 carry out an Indian trust asset management demonstra-
 24 tion project, in accordance with this title.

1 (b) SELECTION OF PARTICIPATING INDIAN
2 TRIBES.—

3 (1) IN GENERAL.—An Indian tribe shall be eli-
4 gible to participate in the Project if—

5 (A) the Indian tribe submits to the Sec-
6 retary an application under subsection (c); and

7 (B) the Secretary approves the application
8 of the Indian tribe.

9 (2) NOTICE.—

10 (A) IN GENERAL.—The Secretary shall
11 provide a written notice to each Indian tribe ap-
12 proved to participate in the Project.

13 (B) CONTENTS.—A notice under subpara-
14 graph (A) shall include—

15 (i) a statement that the application of
16 the Indian tribe has been approved by the
17 Secretary; and

18 (ii) a requirement that the Indian
19 tribe shall submit to the Secretary a pro-
20 posed Indian trust asset management plan
21 in accordance with section 204.

22 (c) APPLICATION.—

23 (1) IN GENERAL.—To be eligible to participate
24 in the Project, an Indian tribe shall submit to the

1 Secretary a written application in accordance with
2 paragraph (2).

3 ~~(2) REQUIREMENTS.—~~The Secretary shall con-
4 sider an application under this subsection only if the
5 application—

6 ~~(A)~~ includes a copy of a resolution or other
7 appropriate action by the governing body of the
8 Indian tribe, as determined by the Secretary, in
9 support of or authorizing the application;

10 ~~(B)~~ is received by the Secretary after the
11 date of enactment of this Act; and

12 ~~(C)~~ states that the Indian tribe is request-
13 ing to participate in the Project.

14 ~~(d) DURATION.—~~The Project—

15 ~~(1)~~ shall remain in effect for a period of 10
16 years after the date of enactment of this Act; but

17 ~~(2)~~ may be extended at the discretion of the
18 Secretary.

19 **SEC. 204. INDIAN TRUST ASSET MANAGEMENT PLAN.**

20 ~~(a) PROPOSED PLAN.—~~

21 ~~(1) SUBMISSION.—~~After the date on which an
22 Indian tribe receives a notice from the Secretary
23 under section 203(b)(2), the Indian tribe shall sub-
24 mit to the Secretary a proposed Indian trust asset
25 management plan in accordance with paragraph (2).

(2) CONTENTS.—A proposed Indian trust asset management plan shall include provisions that—

(A) identify the trust assets that will be subject to the plan;

(B) establish trust asset management objectives and priorities for Indian trust assets that are located within the reservation, or otherwise subject to the jurisdiction, of the Indian tribe;

(C) allocate trust asset management funding that is available for the Indian trust assets subject to the plan in order to meet the trust asset management objectives and priorities;

(D) if the Indian tribe has contracted or compacted functions or activities under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) relating to the management of trust assets—

(i) identify the functions or activities that are being performed by the Indian tribe under the contracts or compacts; and

(ii) describe the practices and procedures that the Indian tribe will follow;

(E) establish procedures for nonbinding mediation or resolution of any dispute between

the Indian tribe and the United States relating to the trust asset management plan;

(F) include a process for the Indian tribe and the Federal agencies affected by the trust asset management plan to conduct evaluations to ensure that trust assets are being managed in accordance with the plan; and

(G) identify any Federal regulations that will be superseded by the plan.

(3) TECHNICAL ASSISTANCE AND INFORMATION.—On receipt of a written request from an Indian tribe, the Secretary shall provide to the Indian tribe any technical assistance and information, including budgetary information, that the Indian tribe determines to be necessary for preparation of a proposed plan.

(b) APPROVAL AND DISAPPROVAL OF PROPOSED PLANS.—

(1) APPROVAL.—

(A) IN GENERAL.—Not later than 120 days after the date on which an Indian tribe submits a proposed Indian trust asset management plan under subsection (a), the Secretary shall approve or disapprove the proposed plan.

~~(B) REQUIREMENTS FOR DISAPPROVAL.—~~

The Secretary shall approve a proposed plan unless the Secretary determines that—

(i) the proposed plan fails to address a requirement under subsection (a)(2);

(ii) the proposed plan includes 1 or more provisions that are inconsistent with subsection (c); or

(iii) the cost of implementing the proposed plan exceeds the amount of funding available for the management of trust assets that would be subject to the proposed plan.

~~(2) ACTION ON DISAPPROVAL.—~~

~~(A) NOTICE.—If the Secretary disapproves a proposed plan under paragraph (1)(B), the Secretary shall provide to the Indian tribe a written notice of the disapproval, including any reason why the proposed plan was disapproved.~~

~~(B) ACTION BY TRIBES.—If a proposed plan is disapproved under paragraph (1)(B), the Indian tribe may resubmit an amended proposed plan by not later than 90 days after the date on which the Indian tribe receives the notice under subparagraph (A).~~

1 (3) FAILURE TO APPROVE OR DISAPPROVE.—If
 2 the Secretary fails to approve or disapprove a pro-
 3 posed plan in accordance with paragraph (1), the
 4 plan shall be considered to be approved.

5 (4) JUDICIAL REVIEW.—An Indian tribe may
 6 seek judicial review of a determination of the Sec-
 7 retary under this subsection in accordance with sub-
 8 chapter II of chapter 5, and chapter 7, of title 5,
 9 United States Code (commonly known as the “Ad-
 10 ministrative Procedure Act”), if—

11 (A) the Secretary disapproves the proposed
 12 plan of the Indian tribe under paragraph (1);
 13 and

14 (B) the Indian tribe has exhausted all
 15 other administrative remedies available to the
 16 Indian tribe.

17 (e) APPLICABLE LAWS; STANDARDS; TRUST RE-
 18 SPONSIBILITY.—

19 (1) APPLICABLE PROVISIONS.—Except as pro-
 20 vided in subsection (e), an Indian trust asset man-
 21 agement plan, and any activity carried out under the
 22 plan, shall not be approved unless the proposed plan
 23 is consistent with all treaties, statutes, Executive or-
 24 ders, and court decisions that are applicable to the

1 trust assets, or the management of the trust assets,
 2 identified in the plan.

3 ~~(2) STANDARDS.—~~Subject to the treaties, stat-
 4 utes, Executive orders, and court decisions referred
 5 to in paragraph (1), an Indian trust asset manage-
 6 ment plan shall not be approved unless the Secretary
 7 determines that the plan will—

8 (A) conform, to the maximum extent prae-
 9 ticable, to the preferred use of each applicable
 10 trust asset by the beneficial owner, unless the
 11 use is inconsistent with a provision referred to
 12 in paragraph (1); and

13 (B) protect any applicable treaty-based
 14 fishing, hunting and gathering, and similar
 15 rights relating to the use, access, or enjoyment
 16 of a trust asset.

17 ~~(d) TERMINATION OF PLAN.—~~

18 ~~(1) IN GENERAL.—~~An Indian tribe may termi-
 19 nate an Indian trust asset management plan on any
 20 date after the date on which a proposed Indian trust
 21 asset management plan is approved by providing to
 22 the Secretary—

23 (A) a notice of the intent of the Indian
 24 tribe to terminate the plan; and

1 ~~(B)~~ a resolution of the governing body of
 2 the Indian tribe authorizing the termination of
 3 the plan.

4 ~~(2) EFFECTIVE DATE.~~—A termination of an In-
 5 dian trust asset management plan under paragraph
 6 ~~(1)~~ takes effect on October 1 of the first fiscal year
 7 following the date on which a notice is provided to
 8 the Secretary under paragraph ~~(1)~~(A).

9 ~~(c) APPROVAL OF CERTAIN AGREEMENTS BY INDIAN~~
 10 ~~TRIBE.~~—

11 ~~(1) DEFINITIONS.~~—In this subsection:

12 ~~(A) FOREST LAND MANAGEMENT ACTIV-~~
 13 ~~ITY.~~—The term “forest land management activ-
 14 ity” means any activity described in section
 15 304(4) of the National Indian Forest Resources
 16 Management Act ~~(25 U.S.C. 3103(4))~~.

17 ~~(B) INTERESTED PARTY.~~—The term “in-
 18 terested party” means an Indian or non-Indian
 19 individual, entity, or government the interests
 20 of which could be adversely affected by a tribal
 21 trust land leasing decision made by an applica-
 22 ble Indian tribe.

23 ~~(C) SURFACE LEASING TRANSACTION.~~—
 24 The term “surface leasing transaction” means
 25 a residential, business, agricultural, or wind or

1 solar resource lease of land the title to which is
2 held—

3 (i) in trust by the United States for
4 the benefit of an Indian tribe; or

5 (ii) in fee by an Indian tribe, subject
6 to restrictions against alienation under
7 Federal law.

8 (2) APPROVAL BY SECRETARY.—Notwith-
9 standing subsection (c)(1), the Secretary may ap-
10 prove an Indian trust asset management plan that
11 includes a provision authorizing the Indian tribe to
12 enter into, approve, and carry out a surface leasing
13 transaction or forest land management activity with-
14 out approval of the Secretary, regardless of whether
15 the surface leasing transaction or forest land man-
16 agement activity would require such an approval
17 under otherwise applicable law (including regula-
18 tions), if—

19 (A) the resolution or other action of the
20 governing body of the Indian tribe referred to
21 in section 203(c)(2)(A) expressly authorizes the
22 inclusion of the provision in the Indian trust
23 asset management plan; and

(B) the Indian tribe has adopted regulations expressly incorporated by reference into the Indian trust asset management plan that—

(i) with respect to a surface leasing transaction—

(I) have been approved by the Secretary pursuant to subsection (h)(4) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(h)(4)); or

(II) have not yet been approved by the Secretary in accordance with subclause (I), but that the Secretary determines at or prior to the time of approval under this paragraph meet the requirements of subsection (h)(3) of the first section of that Act (25 U.S.C. 415(h)(3)); or

(ii) with respect to forest land management activities, the Secretary determines—

(I) are consistent with the regulations of the Secretary adopted under the National Indian Forest Resources

1 Management Act (25 U.S.C. 3101 et
2 seq.); and

3 (H) provide for an environmental
4 review process that includes—

5 (aa) the identification and
6 evaluation of any significant ef-
7 fects of the proposed action on
8 the environment; and

9 (bb) a process for ensuring
10 that—

11 (AA) the public is in-
12 formed of, and has a reason-
13 able opportunity to comment
14 on, any significant environ-
15 mental impacts of the pro-
16 posed timber resource trans-
17 action identified by the In-
18 dian tribe; and

19 (BB) the Indian tribe
20 provides responses to rel-
21 evant and substantive public
22 comments on any such im-
23 pacts before the Indian tribe
24 approves the timber resource
25 transaction.

1 (3) TYPES OF TRANSACTIONS.—

2 (A) IN GENERAL.—At the discretion of the
3 Indian tribe, an Indian trust asset management
4 plan may authorize the Indian tribe to carry
5 out a surface leasing transaction, a forest land
6 management activity, or both.

7 (B) SELECTION OF SPECIFIC TRANS-
8 ACTIONS AND ACTIVITIES.—At the discretion of
9 the Indian tribe, the Indian tribe may include
10 in the integrated resource management plan
11 any 1 or more of the transactions and activities
12 authorized to be included in the plan under sub-
13 paragraph (A).

14 (4) TECHNICAL ASSISTANCE.—

15 (A) IN GENERAL.—The Secretary may
16 provide technical assistance, on request of an
17 Indian tribe, for development of a regulatory
18 environmental review process required under
19 paragraph (2)(B)(ii)(II).

20 (B) INDIAN SELF-DETERMINATION AND
21 EDUCATION ASSISTANCE ACT.—The technical
22 assistance to be provided by the Secretary pur-
23 suant to subparagraph (A) may be made avail-
24 able through contracts, grants, or agreements
25 entered into in accordance with, and made

1 available to entities eligible for, contracts,
2 grants, or agreements under the Indian Self-
3 Determination and Education Assistance Act
4 (25 U.S.C. 450 et seq.).

5 (5) FEDERAL ENVIRONMENTAL REVIEW.—Not-
6 withstanding paragraph (2), if an Indian tribe ear-
7 ries out a project or activity funded by a Federal
8 agency, the Indian tribe shall have the authority to
9 rely on the environmental review process of the ap-
10 plicable Federal agency, rather than any tribal envi-
11 ronmental review process under this subsection.

12 (6) DOCUMENTATION.—If an Indian tribe exe-
13 cutes a surface leasing transaction or timber re-
14 source transaction pursuant to tribal regulations
15 under paragraph (2), the Indian tribe shall provide
16 to the Secretary—

17 (A) a copy of the surface leasing trans-
18 action or timber resource transaction docu-
19 ments, including any amendments to, or renew-
20 als of, the applicable transaction; and

21 (B) in the case of tribal regulations, a sur-
22 face leasing transaction, or forest land manage-
23 ment activities that allow payments to be made
24 directly to the Indian tribe, documentation of
25 the payments that is sufficient to enable the

Secretary to discharge the trust responsibility of the United States under paragraph (7).

~~(7) TRUST RESPONSIBILITY.—~~

~~(A) IN GENERAL.—~~The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (2).

~~(B) AUTHORITY OF SECRETARY.—~~Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to Indian tribes under Federal law (including regulations), the Secretary may, on reasonable notice from the applicable Indian tribe and at the discretion of the Secretary, enforce the provisions of, or cancel, any lease executed by the Indian tribe under paragraph (2).

~~(8) COMPLIANCE.—~~

~~(A) IN GENERAL.—~~An interested party, after exhausting any applicable tribal remedies, may submit to the Secretary a petition, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of an applicable Indian tribe with any tribal regulations approved by the Secretary under this subsection.

1 (B) VIOLATIONS.—If the Secretary deter-
 2 mines under subparagraph (A) that a violation
 3 of tribal regulations has occurred, the Secretary
 4 may take any action the Secretary determines
 5 to be necessary to remedy the violation, includ-
 6 ing rescinding the approval of the tribal regula-
 7 tions and reassuming responsibility for the ap-
 8 proval of leases of tribal trust land.

9 (C) DOCUMENTATION.—If the Secretary
 10 determines under subparagraph (A) that a vio-
 11 lation of tribal regulations has occurred and a
 12 remedy is necessary, the Secretary shall—

13 (i) make a written determination with
 14 respect to the regulations that have been
 15 violated;

16 (ii) provide to the applicable Indian
 17 tribe a written notice of the alleged viola-
 18 tion, together with the written determina-
 19 tion; and

20 (iii) prior to the exercise of any rem-
 21 edy, the rescission of the approval of the
 22 regulation involved, or the reassumption of
 23 the trust asset transaction approval re-
 24 sponsibilities, provide to the applicable In-
 25 dian tribe—

- 1 (I) a hearing on the record; and
 2 (II) a reasonable opportunity to
 3 cure the alleged violation.

4 **SEC. 205. EFFECT OF TITLE.**

5 (a) **LIABILITY.**—Subject to subsection (b), nothing in
 6 this title or a trust asset management plan approved
 7 under section 204 shall independently diminish, increase,
 8 create, or otherwise affect the liability of the United States
 9 or an Indian tribe participating in the Project for any loss
 10 resulting from the management of an Indian trust asset
 11 under an Indian trust asset management plan.

12 (b) **DEVIATION FROM STANDARD PRACTICES.**—The
 13 United States shall not be liable to any party (including
 14 any Indian tribe) for any term of, or any loss resulting
 15 from the terms of, an Indian trust asset management plan
 16 that provides for management of a trust asset at a less-
 17 stringent standard than the Secretary would otherwise re-
 18 quire or adhere to in absence of an Indian trust asset
 19 management plan.

20 (c) **EFFECT ON OTHER LAWS.**—Except with respect
 21 to any regulation superseded by a trust asset management
 22 plan approved under section 204(b), or any tribal regula-
 23 tion included or incorporated by reference in such a plan
 24 under section 204(e), nothing in this title amends or oth-
 25 erwise affects the application of any treaty, statute, regu-

1 lation, Executive order, or court decision that is applicable
 2 to Indian trust assets or the management or administra-
 3 tion of Indian trust assets.

4 (d) TRUST RESPONSIBILITY.—Nothing in this title
 5 enhances, diminishes, or otherwise affects the trust re-
 6 sponsibility of the United States to Indian tribes or indi-
 7 vidual Indians.

8 **TITLE III—RESTRUCTURING THE** 9 **OFFICE OF THE SPECIAL** 10 **TRUSTEE**

11 **SEC. 301. PURPOSE.**

12 The purpose of this title is to ensure a more efficient
 13 and accountable administration of duties of the Secretary
 14 of the Interior with respect to providing services and pro-
 15 grams to Indians and Indian tribes, including the manage-
 16 ment of Indian trust resources.

17 **SEC. 302. DEFINITIONS.**

18 In this title:

19 (1) BIA.—The term “BIA” means the Bureau
 20 of Indian Affairs.

21 (2) DEPARTMENT.—The term “Department”
 22 means the Department of the Interior.

23 (3) SECRETARY.—The term “Secretary” means
 24 the Secretary of the Interior.

1 (4) UNDER SECRETARY.—The term “Under
2 Secretary” means the individual appointed to the po-
3 sition of Under Secretary for Indian Affairs estab-
4 lished under section 303(a).

5 **SEC. 303. UNDER SECRETARY FOR INDIAN AFFAIRS.**

6 (a) ESTABLISHMENT OF POSITION.—Notwith-
7 standing any other provision of law, the Secretary may
8 establish in the Department the position of Under Sec-
9 retary for Indian Affairs, who shall report directly to the
10 Secretary.

11 (b) APPOINTMENT.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the Under Secretary shall be appointed
14 by the President, by and with the advice and consent
15 of the Senate.

16 (2) EXCEPTION.—The individual serving as the
17 Assistant Secretary for Indian Affairs on the date of
18 enactment of this Act may assume the position of
19 Under Secretary without appointment under para-
20 graph (1), if—

21 (A) that individual was appointed as As-
22 sistant Secretary for Indian Affairs by the
23 President, by and with the advice and consent
24 of the Senate; and

1 ~~(B)~~ not later than 180 days after the date
 2 of enactment of this Act, the Secretary ap-
 3 proves the assumption.

4 ~~(c)~~ DUTIES.—In addition to any other duties directed
 5 by the Secretary, the Under Secretary shall—

6 ~~(1)~~ coordinate with the Special Trustee for
 7 American Indians to ensure an orderly transition of
 8 the functions of the Special Trustee to the BIA, or
 9 to any other agency or bureau within the Depart-
 10 ment;

11 ~~(2)~~ to the maximum extent practicable, super-
 12 vise and coordinate activities and policies of the BIA
 13 with activities and policies of—

14 ~~(A)~~ the Bureau of Reclamation;

15 ~~(B)~~ the Bureau of Land Management;

16 ~~(C)~~ the Office of Natural Resources Rev-
 17 enue;

18 ~~(D)~~ the National Park Service; and

19 ~~(E)~~ the United States Fish and Wildlife
 20 Service; and

21 ~~(3)~~ provide for regular consultation with Indi-
 22 ans and Indian tribes that own interests in trust re-
 23 sources and trust fund accounts.

24 ~~(d)~~ PERSONNEL PROVISIONS.—

1 (1) APPOINTMENTS.—The Under Secretary
 2 may appoint and fix the compensation of such offi-
 3 cers and employees as the Under Secretary deter-
 4 mines to be necessary to carry out any function
 5 transferred under this section.

6 (2) REQUIREMENTS.—Except as otherwise pro-
 7 vided by law—

8 (A) any officer or employee described in
 9 paragraph (1) shall be appointed in accordance
 10 with the civil service laws;

11 (B) the compensation of such an officer or
 12 employee shall be fixed in accordance with title
 13 5, United States Code; and

14 (C) in appointing or otherwise hiring any
 15 employee, the Under Secretary shall give pref-
 16 erence to Indians in accordance with section 12
 17 of the Act of June 18, 1934 (25 U.S.C. 472).

18 **SEC. 304. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN IN-**
 19 **DIANS.**

20 (a) REPORT TO CONGRESS.—Notwithstanding sec-
 21 tions 302 and 303 of the American Indian Trust Fund
 22 Management Reform Act of 1994 (25 U.S.C. 4042, 4043),
 23 not later than 1 year after the date of enactment of this
 24 Act, the Secretary shall prepare and, after consultation
 25 with Indian tribes and appropriate Indian organizations,

1 submit to the Committee on Natural Resources of the
2 House of Representatives, the Committee on Indian Af-
3 fairs of the Senate, and the Committees on Appropriations
4 of the House of Representatives and the Senate a report
5 that includes—

6 (1) an identification of all functions, other than
7 the collection, management, and investment of In-
8 dian trust funds, that the Office of the Special
9 Trustee performs independently or in concert with
10 the BIA or other Federal agencies, specifically those
11 functions that affect or relate to management of
12 nonmonetary trust resources;

13 (2) a description of any functions of the Office
14 of the Special Trustee that will be transitioned to
15 the BIA or other bureaus or agencies within the De-
16 partment, together with the timeframes for those
17 transfers; and

18 (3) a transition plan and timetable for the ter-
19 mination of the Office of the Special Trustee, to
20 occur not later than 2 years after the date of sub-
21 mission of the report.

22 (b) FIDUCIARY TRUST OFFICERS.—Subject to appli-
23 cable law and regulations, the Secretary, at the request
24 of an Indian tribe or consortia of Indian tribes, shall in-
25 clude fiduciary trust officers in a contract, compact, or

1 cooperative agreement under the Indian Self-Determina-
 2 tion and Education Assistance Act (25 U.S.C. 450 et
 3 seq.).

4 **SEC. 305. APPRAISALS AND VALUATIONS.**

5 (a) IN GENERAL.—Not later than 18 months after
 6 the date of enactment of this Act, the Secretary, in con-
 7 sultation with Indian tribes and tribal organizations, shall
 8 ensure that appraisals and valuations of Indian trust
 9 property are administered by a single bureau, agency, or
 10 other administrative entity within the Department.

11 (b) MINIMUM QUALIFICATIONS.—Not later than 1
 12 year after the date of enactment of this Act, the Secretary
 13 shall establish and publish in the Federal Register min-
 14 imum qualifications for individuals to prepare appraisals
 15 and valuations of Indian trust property.

16 (c) SECRETARIAL APPROVAL.—In any case in which
 17 an Indian tribe or Indian beneficiary submits to the Sec-
 18 retary an appraisal or valuation that satisfies the min-
 19 imum qualifications described in subsection (b), and that
 20 submission acknowledges the intent of the Indian tribe or
 21 beneficiary to have the appraisal or valuation considered
 22 under this section, the appraisal or valuation—

23 (1) shall not require any additional review or
 24 approval by the Secretary; and

1 (2) shall be considered to be final for purposes
 2 of effectuating the transaction for which the ap-
 3 praisal or valuation is required.

4 **SEC. 306. COST SAVINGS.**

5 (a) IN GENERAL.—Not later than 60 days after the
 6 date of enactment of this Act, for any program, function,
 7 service, or activity (or any portion of a program, function,
 8 service, or activity) of the Office of the Special Trustee
 9 that will not be operated or carried out as a result of a
 10 transfer of functions and personnel under this title, the
 11 Secretary shall—

12 (1) identify the amounts that the Secretary
 13 would otherwise have expended to operate or carry
 14 out each program, function, service, and activity (or
 15 portion of a program, function, service, or activity);
 16 and

17 (2) provide to the tribal representatives of the
 18 Tribal/Interior Budget Council or the representative
 19 of any other appropriate entity that advises the Sec-
 20 retary on Indian program budget or funding issues
 21 a list that describes—

22 (A) the programs, functions, services, and
 23 activities (or any portion of a program, func-
 24 tion, service, or activity) identified under para-
 25 graph (1); and

1 ~~(B)~~ the amounts associated with each pro-
 2 gram, function, service, and activity (or portion
 3 of a program, function, service, or activity).

4 ~~(b)~~ TRIBAL RECOMMENDATIONS.—Not later than 90
 5 days after the date of receipt of a list under subsection
 6 ~~(a)(2)~~, the tribal representatives of the Tribal/Interior
 7 Budget Council and the representatives of any other ap-
 8 propriate entities that advise the Secretary on Indian pro-
 9 gram budget or funding issues may provide recommenda-
 10 tions regarding how any amounts or cost savings should
 11 be reallocated, incorporated into future budget requests,
 12 or appropriated to—

13 ~~(1)~~ the Secretary;

14 ~~(2)~~ the Office of Management and Budget;

15 ~~(3)~~ the Committee on Appropriations of the
 16 House of Representatives;

17 ~~(4)~~ the Committee on Natural Resources of the
 18 House of Representatives;

19 ~~(5)~~ the Committee on Appropriations of the
 20 Senate; and

21 ~~(6)~~ the Committee on Indian Affairs of the Sen-
 22 ate.

23 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

24 ~~(a)~~ *SHORT TITLE.*—*This Act may be cited as the “In-*
 25 *dian Trust Asset Reform Act”.*

1 (b) *TABLE OF CONTENTS.—The table of contents for*
 2 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—RECOGNITION OF TRUST RESPONSIBILITY

Sec. 101. Findings.

Sec. 102. Reaffirmation of policy.

TITLE II—INDIAN TRUST ASSET MANAGEMENT DEMONSTRATION PROJECT

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Establishment of demonstration project; selection of participating Indian tribes.

Sec. 204. Indian trust asset management plan.

Sec. 205. Forest land management and surface leasing activities.

Sec. 206. Effect of title.

TITLE III—IMPROVING EFFICIENCY AND STREAMLINING PROCESSES

Sec. 301. Purpose.

Sec. 302. Definitions.

Sec. 303. Under Secretary for Indian Affairs.

Sec. 304. Office of Special Trustee for American Indians.

Sec. 305. Appraisals and valuations.

Sec. 306. Cost savings.

3 ***TITLE I—RECOGNITION OF***
 4 ***TRUST RESPONSIBILITY***

5 ***SEC. 101. FINDINGS.***

6 *Congress finds that—*

7 (1) *there exists a unique relationship between the*
 8 *Government of the United States and the governments*
 9 *of Indian tribes;*

10 (2) *there exists a unique Federal responsibility*
 11 *to Indians;*

12 (3) *through treaties, statutes, and historical rela-*
 13 *tions with Indian tribes, the United States has under-*

1 *taken a unique trust responsibility to protect and*
2 *support Indian tribes and Indians;*

3 *(4) the fiduciary responsibilities of the United*
4 *States to Indians also are founded in part on specific*
5 *commitments made through written treaties and*
6 *agreements securing peace, in exchange for which In-*
7 *dians have surrendered claims to vast tracts of land,*
8 *which provided legal consideration for permanent, on-*
9 *going performance of Federal trust duties; and*

10 *(5) the foregoing historic Federal-tribal relations*
11 *and understandings have benefitted the people of the*
12 *United States as a whole for centuries and have estab-*
13 *lished enduring and enforceable Federal obligations to*
14 *which the national honor has been committed.*

15 **SEC. 102. REAFFIRMATION OF POLICY.**

16 *Pursuant to the constitutionally vested authority of*
17 *Congress over Indian affairs, Congress reaffirms that the*
18 *fiduciary responsibilities of the United States to Indian*
19 *tribes include a duty to promote tribal self-determination*
20 *regarding governmental authority and economic develop-*
21 *ment.*

1 **TITLE II—INDIAN TRUST ASSET**
 2 **MANAGEMENT DEMONSTRA-**
 3 **TION PROJECT**

4 **SEC. 201. SHORT TITLE.**

5 *This title may be cited as the “Indian Trust Asset*
 6 *Management Demonstration Project Act of 2015”.*

7 **SEC. 202. DEFINITIONS.**

8 *In this title:*

9 (1) *INDIAN TRIBE.*—“Indian tribe” has the
 10 meaning given the term in the Indian Self-Deter-
 11 mination and Education Assistance Act (25 U.S.C.
 12 450b).

13 (2) *PROJECT.*—The term “Project” means the
 14 Indian trust asset management demonstration project
 15 established under section 203(a).

16 (3) *SECRETARY.*—The term “Secretary” means
 17 the Secretary of the Interior.

18 **SEC. 203. ESTABLISHMENT OF DEMONSTRATION PROJECT;**
 19 **SELECTION OF PARTICIPATING INDIAN**
 20 **TRIBES.**

21 (a) *IN GENERAL.*—The Secretary shall establish and
 22 carry out an Indian trust asset management demonstration
 23 project, in accordance with this title.

24 (b) *SELECTION OF PARTICIPATING INDIAN TRIBES.*—

1 (1) *IN GENERAL.*—*An Indian tribe shall be eligi-*
 2 *ble to participate in the Project if—*

3 (A) *the Indian tribe submits to the Sec-*
 4 *retary an application under subsection (c); and*

5 (B) *the Secretary approves the application*
 6 *of the Indian tribe.*

7 (2) *NOTICE.*—

8 (A) *IN GENERAL.*—*The Secretary shall pro-*
 9 *vide a written notice to each Indian tribe ap-*
 10 *proved to participate in the Project.*

11 (B) *CONTENTS.*—*A notice under subpara-*
 12 *graph (A) shall include—*

13 (i) *a statement that the application of*
 14 *the Indian tribe has been approved by the*
 15 *Secretary; and*

16 (ii) *a requirement that the Indian*
 17 *tribe shall submit to the Secretary a pro-*
 18 *posed Indian trust asset management plan*
 19 *in accordance with section 204.*

20 (c) *APPLICATION.*—

21 (1) *IN GENERAL.*—*To be eligible to participate*
 22 *in the Project, an Indian tribe shall submit to the*
 23 *Secretary a written application in accordance with*
 24 *paragraph (2).*

1 (2) *REQUIREMENTS.*—*The Secretary shall con-*
 2 *sider an application under this subsection only if the*
 3 *application—*

4 (A) *includes a copy of a resolution or other*
 5 *appropriate action by the governing body of the*
 6 *Indian tribe, as determined by the Secretary, in*
 7 *support of or authorizing the application;*

8 (B) *is received by the Secretary after the*
 9 *date of enactment of this Act; and*

10 (C) *states that the Indian tribe is requesting*
 11 *to participate in the Project.*

12 (d) *DURATION.*—*The Project—*

13 (1) *shall remain in effect for a period of 10 years*
 14 *after the date of enactment of this Act; but*

15 (2) *may be extended at the discretion of the Sec-*
 16 *retary.*

17 **SEC. 204. INDIAN TRUST ASSET MANAGEMENT PLAN.**

18 (a) *PROPOSED PLAN.*—

19 (1) *SUBMISSION.*—*After the date on which an*
 20 *Indian tribe receives a notice from the Secretary*
 21 *under section 203(b)(2), the Indian tribe shall submit*
 22 *to the Secretary a proposed Indian trust asset man-*
 23 *agement plan in accordance with paragraph (2).*

24 (2) *CONTENTS.*—*A proposed Indian trust asset*
 25 *management plan shall include provisions that—*

1 (A) identify the trust assets that will be sub-
2 ject to the plan;

3 (B) establish trust asset management objec-
4 tives and priorities for Indian trust assets that
5 are located within the reservation, or otherwise
6 subject to the jurisdiction, of the Indian tribe;

7 (C) allocate trust asset management funding
8 that is available for the Indian trust assets sub-
9 ject to the plan in order to meet the trust asset
10 management objectives and priorities;

11 (D) if the Indian tribe has contracted or
12 compacted functions or activities under the In-
13 dian Self-Determination and Education Assist-
14 ance Act (25 U.S.C. 450 et seq.) relating to the
15 management of trust assets—

16 (i) identify the functions or activities
17 that are being or will be performed by the
18 Indian tribe under the contracts, compacts,
19 or other agreements under that Act, which
20 may include any of the surface leasing or
21 forest land management activities author-
22 ized by the proposed plan pursuant to sec-
23 tion 205(b); and

24 (ii) describe the practices and proce-
25 dures that the Indian tribe will follow;

1 (E) establish procedures for nonbinding me-
 2 diation or resolution of any dispute between the
 3 Indian tribe and the United States relating to
 4 the trust asset management plan;

5 (F) include a process for the Indian tribe
 6 and the Federal agencies affected by the trust
 7 asset management plan to conduct evaluations to
 8 ensure that trust assets are being managed in ac-
 9 cordance with the plan; and

10 (G) identify any Federal regulations that
 11 will be superseded by the plan.

12 (3) *TECHNICAL ASSISTANCE AND INFORMA-*
 13 *TION.*—On receipt of a written request from an In-
 14 dian tribe, the Secretary shall provide to the Indian
 15 tribe any technical assistance and information, in-
 16 cluding budgetary information, that the Indian tribe
 17 determines to be necessary for preparation of a pro-
 18 posed plan.

19 (b) *APPROVAL AND DISAPPROVAL OF PROPOSED*
 20 *PLANS.*—

21 (1) *APPROVAL.*—

22 (A) *IN GENERAL.*—Not later than 120 days
 23 after the date on which an Indian tribe submits
 24 a proposed Indian trust asset management plan

1 *under subsection (a), the Secretary shall approve*
 2 *or disapprove the proposed plan.*

3 *(B) REQUIREMENTS FOR DISAPPROVAL.—*

4 *The Secretary shall approve a proposed plan un-*
 5 *less the Secretary determines that—*

6 *(i) the proposed plan fails to address a*
 7 *requirement under subsection (a)(2);*

8 *(ii) the proposed plan includes 1 or*
 9 *more provisions that are inconsistent with*
 10 *subsection (c); or*

11 *(iii) the cost of implementing the pro-*
 12 *posed plan exceeds the amount of funding*
 13 *available for the management of trust assets*
 14 *that would be subject to the proposed plan.*

15 *(2) ACTION ON DISAPPROVAL.—*

16 *(A) NOTICE.—If the Secretary disapproves*
 17 *a proposed plan under paragraph (1)(B), the*
 18 *Secretary shall provide to the Indian tribe a*
 19 *written notice of the disapproval, including any*
 20 *reason why the proposed plan was disapproved.*

21 *(B) ACTION BY TRIBES.—If a proposed plan*
 22 *is disapproved under paragraph (1)(B), the In-*
 23 *Indian tribe may resubmit an amended proposed*
 24 *plan by not later than 90 days after the date on*

1 *which the Indian tribe receives the notice under*
 2 *subparagraph (A).*

3 (3) *FAILURE TO APPROVE OR DISAPPROVE.—If*
 4 *the Secretary fails to approve or disapprove a pro-*
 5 *posed plan in accordance with paragraph (1), the*
 6 *plan shall be considered to be approved.*

7 (4) *JUDICIAL REVIEW.—An Indian tribe may*
 8 *seek judicial review of a determination of the Sec-*
 9 *retary under this subsection in accordance with sub-*
 10 *chapter II of chapter 5, and chapter 7, of title 5,*
 11 *United States Code (commonly known as the “Admin-*
 12 *istrative Procedure Act”), if—*

13 (A) *the Secretary disapproves the proposed*
 14 *plan of the Indian tribe under paragraph (1);*
 15 *and*

16 (B) *the Indian tribe has exhausted all other*
 17 *administrative remedies available to the Indian*
 18 *tribe.*

19 (c) *APPLICABLE LAWS.—Subject to section 205, an In-*
 20 *dian trust asset management plan, and any activity car-*
 21 *ried out under the plan, shall not be approved unless the*
 22 *proposed plan is consistent with any treaties, statutes, and*
 23 *Executive orders that are applicable to the trust assets, or*
 24 *the management of the trust assets, identified in the plan.*

25 (d) *TERMINATION OF PLAN.—*

1 (1) *IN GENERAL.*—*An Indian tribe may termi-*
 2 *nate an Indian trust asset management plan on any*
 3 *date after the date on which a proposed Indian trust*
 4 *asset management plan is approved by providing to*
 5 *the Secretary—*

6 (A) *a notice of the intent of the Indian tribe*
 7 *to terminate the plan; and*

8 (B) *a resolution of the governing body of the*
 9 *Indian tribe authorizing the termination of the*
 10 *plan.*

11 (2) *EFFECTIVE DATE.*—*A termination of an In-*
 12 *dian trust asset management plan under paragraph*
 13 *(1) takes effect on October 1 of the first fiscal year fol-*
 14 *lowing the date on which a notice is provided to the*
 15 *Secretary under paragraph (1)(A).*

16 **SEC. 205. FOREST LAND MANAGEMENT AND SURFACE LEAS-**
 17 **ING ACTIVITIES.**

18 (a) *DEFINITIONS.*—*In this section:*

19 (1) *FOREST LAND MANAGEMENT ACTIVITY.*—*The*
 20 *term “forest land management activity” means any*
 21 *activity described in section 304(4) of the National*
 22 *Indian Forest Resources Management Act (25 U.S.C.*
 23 *3103(4)).*

24 (2) *INTERESTED PARTY.*—*The term “interested*
 25 *party” means an Indian or non-Indian individual,*

1 *entity, or government the interests of which could be*
 2 *adversely affected by a tribal trust land leasing deci-*
 3 *sion made by an applicable Indian tribe.*

4 (3) *SURFACE LEASING TRANSACTION.*—*The term*
 5 *“surface leasing transaction” means a residential,*
 6 *business, agricultural, or wind or solar resource lease*
 7 *of land the title to which is held—*

8 (A) *in trust by the United States for the*
 9 *benefit of an Indian tribe; or*

10 (B) *in fee by an Indian tribe, subject to re-*
 11 *strictions against alienation under Federal law.*

12 (b) *APPROVAL BY SECRETARY.*—*The Secretary may*
 13 *approve an Indian trust asset management plan that in-*
 14 *cludes a provision authorizing the Indian tribe to enter*
 15 *into, approve, and carry out a surface leasing transaction*
 16 *or forest land management activity without approval of the*
 17 *Secretary, regardless of whether the surface leasing trans-*
 18 *action or forest land management activity would require*
 19 *such an approval under otherwise applicable law (including*
 20 *regulations), if—*

21 (1) *the resolution or other action of the governing*
 22 *body of the Indian tribe referred to in section*
 23 *203(c)(2)(A) expressly authorizes the inclusion of the*
 24 *provision in the Indian trust asset management plan;*
 25 *and*

1 (2) *the Indian tribe has adopted regulations ex-*
 2 *pressly incorporated by reference into the Indian*
 3 *trust asset management plan that—*

4 (A) *with respect to a surface leasing trans-*
 5 *action—*

6 (i) *have been approved by the Sec-*
 7 *retary pursuant to subsection (h)(4) of the*
 8 *first section of the Act of August 9, 1955 (25*
 9 *U.S.C. 415(h)(4)); or*

10 (ii) *have not yet been approved by the*
 11 *Secretary in accordance with clause (i), but*
 12 *that the Secretary determines at or prior to*
 13 *the time of approval under this paragraph*
 14 *meet the requirements of subsection (h)(3) of*
 15 *the first section of that Act (25 U.S.C.*
 16 *415(h)(3)); or*

17 (B) *with respect to forest land management*
 18 *activities, the Secretary determines—*

19 (i) *are consistent with the regulations*
 20 *of the Secretary adopted under the National*
 21 *Indian Forest Resources Management Act*
 22 *(25 U.S.C. 3101 et seq.); and*

23 (ii) *provide for an environmental re-*
 24 *view process that includes—*

1 (I) the identification and evalua-
 2 tion of any significant effects of the
 3 proposed action on the environment;
 4 and

5 (II) a process consistent with the
 6 regulations described in clause (i) for
 7 ensuring that—

8 (aa) the public is informed
 9 of, and has a reasonable oppor-
 10 tunity to comment on, any sig-
 11 nificant environmental impacts of
 12 the proposed forest land manage-
 13 ment activity identified by the In-
 14 dian tribe; and

15 (bb) the Indian tribe pro-
 16 vides responses to relevant and
 17 substantive public comments on
 18 any such impacts before the In-
 19 dian tribe approves the forest land
 20 management activity.

21 (c) *TYPES OF TRANSACTIONS.*—

22 (1) *IN GENERAL.*—At the discretion of the In-
 23 dian tribe, an Indian trust asset management plan
 24 may authorize the Indian tribe to carry out a surface

1 *leasing transaction, a forest land management activ-*
 2 *ity, or both.*

3 (2) *SELECTION OF SPECIFIC TRANSACTIONS AND*
 4 *ACTIVITIES.—At the discretion of the Indian tribe, the*
 5 *Indian tribe may include in the integrated resource*
 6 *management plan any 1 or more of the transactions*
 7 *and activities authorized to be included in the plan*
 8 *under subsection (b).*

9 (d) *TECHNICAL ASSISTANCE.—*

10 (1) *IN GENERAL.—The Secretary may provide*
 11 *technical assistance, on request of an Indian tribe, for*
 12 *development of a regulatory environmental review*
 13 *process required under subsection (b)(2)(B)(ii).*

14 (2) *INDIAN SELF-DETERMINATION AND EDU-*
 15 *CATION ASSISTANCE ACT.—The technical assistance to*
 16 *be provided by the Secretary pursuant to paragraph*
 17 *(1) may be made available through contracts, grants,*
 18 *or agreements entered into in accordance with, and*
 19 *made available to entities eligible for, contracts,*
 20 *grants, or agreements under the Indian Self-Deter-*
 21 *mination and Education Assistance Act (25 U.S.C.*
 22 *450 et seq.).*

23 (e) *FEDERAL ENVIRONMENTAL REVIEW.—Notwith-*
 24 *standing subsection (b), if an Indian tribe carries out a*
 25 *project or activity funded by a Federal agency, the Indian*

1 *tribe shall have the authority to rely on the environmental*
 2 *review process of the applicable Federal agency, rather than*
 3 *any tribal environmental review process under this sub-*
 4 *section.*

5 *(f) DOCUMENTATION.—If an Indian tribe executes a*
 6 *surface leasing transaction or forest land management ac-*
 7 *tivity pursuant to tribal regulations under paragraph (2),*
 8 *the Indian tribe shall provide to the Secretary—*

9 *(1) a copy of the surface leasing transaction or*
 10 *forest land management activity documents, includ-*
 11 *ing any amendments to, or renewals of, the applicable*
 12 *transaction; and*

13 *(2) in the case of tribal regulations, a surface*
 14 *leasing transaction, or forest land management ac-*
 15 *tivities that allow payments to be made directly to the*
 16 *Indian tribe, documentation of the payments that is*
 17 *sufficient to enable the Secretary to discharge the*
 18 *trust responsibility of the United States under para-*
 19 *graph (7).*

20 *(g) TRUST RESPONSIBILITY.—*

21 *(1) IN GENERAL.—The United States shall not be*
 22 *liable for losses sustained—*

23 *(A) by an Indian tribe as a result of the*
 24 *execution of any forest land management activ-*

1 *ity pursuant to tribal regulations under sub-*
 2 *section (b); or*

3 *(B) by any party to a lease executed pursu-*
 4 *ant to tribal regulations under subsection (b).*

5 *(2) AUTHORITY OF SECRETARY.—Pursuant to*
 6 *the authority of the Secretary to fulfill the trust obli-*
 7 *gation of the United States to Indian tribes under*
 8 *Federal law (including regulations), the Secretary*
 9 *may, on reasonable notice from the applicable Indian*
 10 *tribe and at the discretion of the Secretary, enforce*
 11 *the provisions of, or cancel, any lease executed by the*
 12 *Indian tribe under this section.*

13 *(h) COMPLIANCE.—*

14 *(1) IN GENERAL.—An interested party, after ex-*
 15 *hausting any applicable tribal remedies, may submit*
 16 *to the Secretary a petition, at such time and in such*
 17 *form as the Secretary determines to be appropriate,*
 18 *to review the compliance of an applicable Indian*
 19 *tribe with any tribal regulations approved by the Sec-*
 20 *retary under this subsection.*

21 *(2) VIOLATIONS.—If the Secretary determines*
 22 *under paragraph (1) that a violation of tribal regula-*
 23 *tions has occurred, the Secretary may take any action*
 24 *the Secretary determines to be necessary to remedy*
 25 *the violation, including rescinding the approval of the*

1 *tribal regulations and reassuming responsibility for*
 2 *the approval of leases of tribal trust land.*

3 (3) *DOCUMENTATION.*—*If the Secretary deter-*
 4 *mines under paragraph (1) that a violation of tribal*
 5 *regulations has occurred and a remedy is necessary,*
 6 *the Secretary shall—*

7 (A) *make a written determination with re-*
 8 *spect to the regulations that have been violated;*

9 (B) *provide to the applicable Indian tribe a*
 10 *written notice of the alleged violation, together*
 11 *with the written determination; and*

12 (C) *prior to the exercise of any remedy, the*
 13 *rescission of the approval of the regulation in-*
 14 *volved, or the reassumption of the trust asset*
 15 *transaction approval responsibilities, provide to*
 16 *the applicable Indian tribe—*

17 (i) *a hearing on the record; and*

18 (ii) *a reasonable opportunity to cure*
 19 *the alleged violation.*

20 **SEC. 206. EFFECT OF TITLE.**

21 (a) *LIABILITY.*—*Subject to section 205 and this sec-*
 22 *tion, nothing in this title or an Indian trust asset manage-*
 23 *ment plan approved under section 204 shall independently*
 24 *diminish, increase, create, or otherwise affect the liability*
 25 *of the United States or an Indian tribe participating in*

1 *the Project for any loss resulting from the management of*
 2 *an Indian trust asset under an Indian trust asset manage-*
 3 *ment plan.*

4 (b) *DEVIATION FROM STANDARD PRACTICES.—The*
 5 *United States shall not be liable to any party (including*
 6 *any Indian tribe) for any term of, or any loss resulting*
 7 *from the terms of, an Indian trust asset management plan*
 8 *that provides for management of a trust asset at a less-*
 9 *stringent standard than the Secretary would otherwise re-*
 10 *quire or adhere to in absence of an Indian trust asset man-*
 11 *agement plan.*

12 (c) *EFFECT OF TERMINATION OF PLAN.—Subsection*
 13 *(b) applies to losses resulting from a transaction or activity*
 14 *described in that subsection even if the Indian trust asset*
 15 *management plan is terminated under section 204(d) or re-*
 16 *scinded under section 205(h).*

17 (d) *EFFECT ON OTHER LAWS.—*

18 (1) *IN GENERAL.—Except as provided in sub-*
 19 *section (e) and sections 204 and 205, nothing in this*
 20 *title amends or otherwise affects the application of*
 21 *any treaty, statute, regulation, or Executive order*
 22 *that is applicable to Indian trust assets or the man-*
 23 *agement or administration of Indian trust assets.*

24 (2) *INDIAN SELF-DETERMINATION ACT.—Nothing*
 25 *in this title limits or otherwise affects the authority*

1 of an Indian tribe, including an Indian tribe partici-
 2 pating in the Project, to enter into and carry out a
 3 contract, compact, or other agreement under the In-
 4 dian Self-Determination and Education Assistance
 5 Act (25 U.S.C. 450 et seq.) (including regulations).

6 (e) *SEPARATE APPROVAL*.—An Indian tribe may sub-
 7 mit to the Secretary tribal regulations described in section
 8 205(b) governing forest land management activities for re-
 9 view and approval under this title if the Indian tribe does
 10 not submit or intend to submit an Indian trust asset man-
 11 agement plan.

12 (f) *TRUST RESPONSIBILITY*.—Nothing in this title en-
 13 hances, diminishes, or otherwise affects the trust responsi-
 14 bility of the United States to Indian tribes or individual
 15 Indians.

16 **TITLE III—IMPROVING EFFI-** 17 **CIENCY AND STREAMLINING** 18 **PROCESSES**

19 **SEC. 301. PURPOSE.**

20 The purpose of this title is to ensure a more efficient
 21 and streamlined administration of duties of the Secretary
 22 of the Interior with respect to providing services and pro-
 23 grams to Indians and Indian tribes, including the manage-
 24 ment of Indian trust resources.

1 **SEC. 302. DEFINITIONS.**

2 *In this title:*

3 (1) *BIA.*—*The term “BIA” means the Bureau of*
 4 *Indian Affairs.*

5 (2) *DEPARTMENT.*—*The term “Department”*
 6 *means the Department of the Interior.*

7 (3) *SECRETARY.*—*The term “Secretary” means*
 8 *the Secretary of the Interior.*

9 (4) *UNDER SECRETARY.*—*The term “Under Sec-*
 10 *retary” means the individual appointed to the posi-*
 11 *tion of Under Secretary for Indian Affairs established*
 12 *under section 303(a).*

13 **SEC. 303. UNDER SECRETARY FOR INDIAN AFFAIRS.**

14 (a) *ESTABLISHMENT OF POSITION.*—*Notwithstanding*
 15 *any other provision of law, the Secretary may establish in*
 16 *the Department the position of Under Secretary for Indian*
 17 *Affairs, who shall report directly to the Secretary.*

18 (b) *APPOINTMENT.*—

19 (1) *IN GENERAL.*—*Except as provided in para-*
 20 *graph (2), the Under Secretary shall be appointed by*
 21 *the President, by and with the advice and consent of*
 22 *the Senate.*

23 (2) *EXCEPTION.*—*The individual serving as the*
 24 *Assistant Secretary for Indian Affairs on the date of*
 25 *enactment of this Act may assume the position of*

1 *Under Secretary without appointment under para-*
 2 *graph (1), if—*

3 *(A) that individual was appointed as As-*
 4 *stant Secretary for Indian Affairs by the Presi-*
 5 *dent, by and with the advice and consent of the*
 6 *Senate; and*

7 *(B) not later than 180 days after the date*
 8 *of enactment of this Act, the Secretary approves*
 9 *the assumption.*

10 *(c) DUTIES.—In addition to any other duties directed*
 11 *by the Secretary, the Under Secretary shall—*

12 *(1) coordinate with the Special Trustee for*
 13 *American Indians to ensure an orderly transition of*
 14 *the functions of the Special Trustee to 1 or more ap-*
 15 *propriate agencies, offices, or bureaus within the De-*
 16 *partment, as determined by the Secretary;*

17 *(2) to the maximum extent practicable, supervise*
 18 *and coordinate activities and policies of the BIA with*
 19 *activities and policies of—*

20 *(A) the Bureau of Reclamation;*

21 *(B) the Bureau of Land Management;*

22 *(C) the Office of Natural Resources Revenue;*

23 *(D) the National Park Service; and*

24 *(E) the United States Fish and Wildlife*
 25 *Service; and*

1 (3) *provide for regular consultation with Indians*
 2 *and Indian tribes that own interests in trust re-*
 3 *sources and trust fund accounts.*

4 (d) *PERSONNEL PROVISIONS.—*

5 (1) *APPOINTMENTS.—The Under Secretary may*
 6 *appoint and fix the compensation of such officers and*
 7 *employees as the Under Secretary determines to be*
 8 *necessary to carry out any function transferred under*
 9 *this section.*

10 (2) *REQUIREMENTS.—Except as otherwise pro-*
 11 *vided by law—*

12 (A) *any officer or employee described in*
 13 *paragraph (1) shall be appointed in accordance*
 14 *with the civil service laws;*

15 (B) *the compensation of such an officer or*
 16 *employee shall be fixed in accordance with title*
 17 *5, United States Code; and*

18 (C) *in appointing or otherwise hiring any*
 19 *employee, the Under Secretary shall give pref-*
 20 *erence to Indians in accordance with section 12*
 21 *of the Act of June 18, 1934 (25 U.S.C. 472).*

22 **SEC. 304. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN IN-**
 23 **DIANS.**

24 (a) *REPORT TO CONGRESS.—Notwithstanding sections*
 25 *302 and 303 of the American Indian Trust Fund Manage-*

1 *ment Reform Act of 1994 (25 U.S.C. 4042, 4043), not later*
2 *than 1 year after the date of enactment of this Act, the Sec-*
3 *retary shall prepare and, after consultation with Indian*
4 *tribes and appropriate Indian organizations, submit to the*
5 *Committee on Natural Resources of the House of Represent-*
6 *atives, the Committee on Indian Affairs of the Senate, and*
7 *the Committees on Appropriations of the House of Rep-*
8 *resentatives and the Senate a report that includes—*

9 *(1) an identification of all functions, other than*
10 *the collection, management, and investment of Indian*
11 *trust funds, that the Office of the Special Trustee per-*
12 *forms independently or in concert with the BIA or*
13 *other Federal agencies, specifically those functions*
14 *that affect or relate to management of nonmonetary*
15 *trust resources;*

16 *(2) a description of any functions of the Office*
17 *of the Special Trustee that will be transitioned to*
18 *other bureaus or agencies within the Department*
19 *prior to the termination date of the Office, as de-*
20 *scribed in paragraph (3), together with the time-*
21 *frames for those transfers; and*

22 *(3) a transition plan and timetable for the ter-*
23 *mination of the Office of the Special Trustee, to occur*
24 *not later than 2 years after the date of submission of*
25 *the report, unless the Secretary determines that an or-*

1 *derly transition cannot be accomplished during that*
 2 *time period, in which case the report shall include—*

3 *(A) a statement of all reasons why the tran-*
 4 *sition cannot be effected within that time period;*
 5 *and*

6 *(B) an alternative date for completing the*
 7 *transition.*

8 *(b) FIDUCIARY TRUST OFFICERS.—Subject to applica-*
 9 *ble law and regulations, the Secretary, at the request of an*
 10 *Indian tribe or consortia of Indian tribes, shall include fi-*
 11 *duciary trust officers in a contract, compact, or other agree-*
 12 *ment under the Indian Self-Determination and Education*
 13 *Assistance Act (25 U.S.C. 450 et seq.).*

14 *(c) EFFECT OF SECTION.—Nothing in this section or*
 15 *the report under this section—*

16 *(1) terminates the Office of the Special Trustee;*
 17 *or*

18 *(2) affects the application of sections 302 and*
 19 *303 of the American Indian Trust Fund Management*
 20 *Reform Act of 1994 (25 U.S.C. 4042, 4043).*

21 **SEC. 305. APPRAISALS AND VALUATIONS.**

22 *(a) IN GENERAL.—Notwithstanding section 304, not*
 23 *later than 18 months after the date of enactment of this*
 24 *Act, the Secretary, in consultation with Indian tribes and*
 25 *tribal organizations, shall ensure that appraisals and valu-*

1 *ations of Indian trust property are administered by a single*
 2 *bureau, agency, or other administrative entity within the*
 3 *Department.*

4 *(b) MINIMUM QUALIFICATIONS.—Not later than 1 year*
 5 *after the date of enactment of this Act, the Secretary shall*
 6 *establish and publish in the Federal Register minimum*
 7 *qualifications for individuals to prepare appraisals and*
 8 *valuations of Indian trust property.*

9 *(c) SECRETARIAL APPROVAL.—In any case in which*
 10 *an Indian tribe or Indian beneficiary submits to the Sec-*
 11 *retary an appraisal or valuation that satisfies the min-*
 12 *imum qualifications described in subsection (b), and that*
 13 *submission acknowledges the intent of the Indian tribe or*
 14 *beneficiary to have the appraisal or valuation considered*
 15 *under this section, the appraisal or valuation—*

16 *(1) shall not require any additional review or*
 17 *approval by the Secretary; and*

18 *(2) shall be considered to be final for purposes of*
 19 *effectuating the transaction for which the appraisal or*
 20 *valuation is required.*

21 **SEC. 306. COST SAVINGS.**

22 *(a) IN GENERAL.—For any program, function, service,*
 23 *or activity (or any portion of a program, function, service,*
 24 *or activity) of the Office of the Special Trustee that will*
 25 *not be operated or carried out after the date of enactment*

1 *of this Act as a result of a transfer of functions and per-*
 2 *sonnel, the Secretary shall—*

3 (1) *identify the amounts that the Secretary*
 4 *would otherwise have expended to operate or carry*
 5 *out each program, function, service, and activity (or*
 6 *portion of a program, function, service, or activity);*
 7 *and*

8 (2) *provide to the tribal representatives of the*
 9 *Tribal/Interior Budget Council or the representative*
 10 *of any other appropriate entity that advises the Sec-*
 11 *retary on Indian program budget or funding issues a*
 12 *list that describes—*

13 (A) *the programs, functions, services, and*
 14 *activities (or any portion of a program, func-*
 15 *tion, service, or activity) identified under para-*
 16 *graph (1); and*

17 (B) *the amounts associated with each pro-*
 18 *gram, function, service, and activity (or portion*
 19 *of a program, function, service, or activity).*

20 (b) *TRIBAL RECOMMENDATIONS.—Not later than 90*
 21 *days after the date of receipt of a list under subsection*
 22 *(a)(2), the tribal representatives of the Tribal/Interior*
 23 *Budget Council and the representatives of any other appro-*
 24 *priate entities that advise the Secretary on Indian program*
 25 *budget or funding issues may provide recommendations re-*

1 *garding how any amounts or cost savings should be reallo-*
2 *cated, incorporated into future budget requests, or appro-*
3 *priated to—*

4 *(1) the Secretary;*

5 *(2) the Office of Management and Budget;*

6 *(3) the Committee on Appropriations of the*
7 *House of Representatives;*

8 *(4) the Committee on Natural Resources of the*
9 *House of Representatives;*

10 *(5) the Committee on Appropriations of the Sen-*
11 *ate; and*

12 *(6) the Committee on Indian Affairs of the Sen-*
13 *ate.*

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[Report No. 114-207]

A BILL

To provide for Indian trust asset management
reform, and for other purposes.

FEBRUARY 8, 2016
Reported with an amendment