

lives. So this is a fitting recognition for those who bravely served in defense of our Nation.

I visited my brother-in-law the other day, who lives in a veterans' nursing home. He was a soldier in the Korean war, a victim. Many in that home fought in the same war, those who are still alive.

Talking to them, one thing I noticed is they don't want to talk about their experiences ever. I remember talking to my brother-in-law, Joe, 30 years ago. He didn't want to talk about it. His brother, who served there, didn't want to talk about it. His other brother, Freddie, did not want to talk about it. He served there, also.

So this is not only remembrance. More importantly, it is thank you. Thank you so much for what you did.

Mr. Speaker, I mentioned their names before, Congressmen RANGEL and CONYERS. We owe them so much. I read Congressman RANGEL's book twice about the experiences that he had in service to our country. We can never forget this. God bless, and I thank them.

Mr. MCCLINTOCK. Mr. Speaker, I reserve the balance of my time.

Ms. TSONGAS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL), a distinguished veteran of the Korean war.

Mr. RANGEL. Mr. Speaker, let me thank the gentlewoman for making this possible, Colonel Bill Webb, of the Korean Memorial Foundation, and, of course, my buddies and colleagues, Congressmen JOHNSON and CONYERS.

Why this is so important to me is not for those who are living, but for the memories of our colleagues who died overseas and whose family have very little to explain as to why they were there.

I really think that this Congress and Congresses before us have lost all of the meaning of having the power and the only power to support the declaration of war.

When I went overseas in 1950, I hadn't the slightest idea as to why I was going. Quite frankly, I didn't even know where Korea was.

But because of my age and having been in combat, I have received more accolades from the grateful people from the country of South Korea than I deserve. But I know that they are thanking the United States and the United Nations for saving them from coming under communism.

I could not possibly have any bad feelings. Indeed, it is a great sense of honor that I could have played some small part in preserving democracy in South Korea, albeit as a volunteer to the Army, but certainly not a volunteer to go into combat.

But the truth of the matter is that we shouldn't have young men and women being placed in harm's way in any situation without men and women and their families knowing that they did this because the security of our great Republic was threatened.

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Each time I feel heavily and scream out that we should have a draft instead of an All Volunteer Army, I know that it appears as though I am putting a burden on so many people who don't necessarily want to belong to the military. But serving our great country is a privilege, and all people should share if indeed there is a threat to our national security. If there isn't a threat to our national security, there is no reason in the world morally or legally that our troops should be there.

So putting up this wall, to me, is symbolic because they can call it the forgotten war. And, believe it or not, after seeing how some of our Vietnam veterans were treated when they came home, you can almost thank God that no one missed you. They didn't know where you were, or didn't care about the Korean war, because politics got in the way of how we treated those people who fought, got wounded, and died in Vietnam.

Of course, since then, we have had dozens of times where we have heard Members of Congress say that we have to have more boots on the ground, that we can't win a war by air, that we have to be there, we have to intervene, and we have to show how strong America is. And they know in their hearts that no one from their families, their communities, or even anyone they know will be included in that number of Americans that they are asking to go.

So I think when you put the names of people who have actually lost their lives, which means destroyed the lives of so many other people who loved them, when you think of those who got wounded, they should at least be able to say what they did for their families, community, and their country. They shouldn't just be used as pawns on the board to fulfill the political commitments of a party or a cause that doesn't involve the security of the United States. Maybe, just maybe, when people come to sightsee, and they see the names of people that they don't know, it could remind them that these are not just human beings; these are Americans who had the same dreams as they did, except they made a sacrifice.

So let me laud and thank the Members of Congress that have caused the casualties of the forgotten war not to be forgotten. Let us try to do something about those that follow those of us that were in combat in Korea and explain how wrong we were in Vietnam and we should have said, never, never, never again.

Let us look at the ways we have just sent troops who, like me, saw the flag go up and heard the President say that we have to go, and we never asked, and we couldn't legitimately ask why, but we did. Let us preserve the American lives for those causes that at least if they don't come back home or they don't come back normal, that we can say that it was protecting the flag, it was protecting our country, and it was protecting our national security.

Right now, with all the fears we have that are going on in the Middle East, I am not certain whether or not that will impact our great country, but I am prepared to listen to those who know better than I. And if, indeed, there is a threat to our country, then everyone should be prepared to be called, even by lottery, because it is not just for the wealthy and the educated to be excluded. It shouldn't be just those who need a job that get the opportunity to defend our country. But every time you say "troops on the ground," "boots on the ground," "lives on the ground," I truly think that just putting their names on a memorial wall should mean something for generations that follow.

I hope and pray that we don't have names that go on boards. But if there is a reminder of how many people died over the years to keep this country great, let us be in the position as a Congress to say that we know specifically why they died and we gave them all the support that they needed to make the sacrifice.

Thank you so much for giving me this opportunity.

Ms. TSONGAS. Mr. Speaker, I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is important that we remember those who died in the war and those who served in the war because their achievement remains alive today. It is personified in a free and prosperous Republic of Korea that has been a beacon of hope to the oppressed people throughout the Asian Continent and a steady counterbalance to the malignant presence of the North Korean dictatorship.

From the dais in this Chamber, Douglas MacArthur paid tribute to these brave souls with these words. He said: "I have just left your fighting sons in Korea. They have met all tests there, and I can report to you without reservation that they are splendid in every way . . . Those gallant men will remain often in my thoughts and in my prayers always."

And so should they with us. This bill assures that this will not be a forgotten war, and our honored dead will not be forgotten by name.

Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 1475, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### INDIAN TRUST ASSET REFORM ACT

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 812) to provide for Indian trust asset management reform, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 812

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

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

(b) **TABLE OF CONTENTS.**—The table of contents for 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.

## **TITLE I—RECOGNITION OF TRUST RESPONSIBILITY**

### **SEC. 101. FINDINGS.**

Congress finds that—

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

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

(3) through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indians;

(4) the fiduciary responsibilities of the United States to Indians also are founded in part on specific commitments made through written treaties and agreements securing peace, in exchange for which Indians have surrendered claims to vast tracts of land, which provided legal consideration for permanent, ongoing performance of Federal trust duties; and

(5) the foregoing historic Federal-tribal relations and understandings have benefitted the people of the United States as a whole for centuries and have established enduring and enforceable Federal obligations to which the national honor has been committed.

### **SEC. 102. REAFFIRMATION OF POLICY.**

Pursuant to the constitutionally vested authority of Congress over Indian affairs, Congress reaffirms that the responsibility of the United States to Indian tribes includes a duty to promote tribal self-determination regarding governmental authority and economic development.

## **TITLE II—INDIAN TRUST ASSET MANAGEMENT DEMONSTRATION PROJECT**

### **SEC. 201. SHORT TITLE.**

This title may be cited as the “Indian Trust Asset Management Demonstration Project Act of 2016”.

### **SEC. 202. DEFINITIONS.**

In this title:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

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

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

### **SEC. 203. ESTABLISHMENT OF DEMONSTRATION PROJECT; SELECTION OF PARTICIPATING INDIAN TRIBES.**

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

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

(1) **IN GENERAL.**—An Indian tribe shall be eligible to participate in the project if—

(A) the Indian tribe submits to the Secretary an application under subsection (c); and

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

(2) **NOTICE.**—

(A) **IN GENERAL.**—The Secretary shall provide a written notice to each Indian tribe approved to participate in the project.

(B) **CONTENTS.**—A notice under subparagraph (A) shall include—

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

(ii) a requirement that the Indian tribe shall submit to the Secretary a proposed Indian trust asset management plan in accordance with section 204.

(c) **APPLICATION.**—

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

(2) **REQUIREMENTS.**—The Secretary shall consider an application under this subsection only if the application—

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

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

(C) states that the Indian tribe is requesting to participate in the project.

(d) **DURATION.**—The project—

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

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

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

(a) **PROPOSED PLAN.**—

(1) **SUBMISSION.**—After the date on which an Indian tribe receives a notice from the Secretary under section 203(b)(2), the Indian tribe shall submit to the Secretary a proposed Indian trust asset 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 or will be performed by the Indian tribe under the contracts, compacts, or other agreements under that Act, which may include any of the surface leasing or forest land management activities authorized by the proposed plan pursuant to section 205(b); 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).

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

(4) **JUDICIAL REVIEW.**—An Indian tribe may seek judicial review of a determination of the Secretary under this subsection in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), if—

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

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

(c) **APPLICABLE LAWS.**—Subject to section 205, an Indian trust asset management plan, and any activity carried out under the plan, shall not be approved unless the proposed plan is consistent with any treaties, statutes, and Executive orders that are applicable to the trust assets, or the management of the trust assets, identified in the plan.

(d) **TERMINATION OF PLAN.**—

(1) **IN GENERAL.**—An Indian tribe may terminate an Indian trust asset management plan on any date after the date on which a proposed Indian trust asset management plan is approved by providing to the Secretary—

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

(B) a resolution of the governing body of the Indian tribe authorizing the termination of the plan.

(2) **EFFECTIVE DATE.**—A termination of an Indian trust asset management plan under paragraph (1) takes effect on October 1 of the first fiscal year following the date on which a notice is provided to the Secretary under paragraph (1)(A).

**SEC. 205. FOREST LAND MANAGEMENT AND SURFACE LEASING ACTIVITIES.**

(a) **DEFINITIONS.**—In this section:

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

(2) **INTERESTED PARTY.**—The term “interested party” means an Indian or non-Indian individual, entity, or government the interests of which could be adversely affected by a tribal trust land leasing decision made by an applicable Indian tribe.

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

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

(B) in fee by an Indian tribe, subject to restrictions against alienation under Federal law.

(b) **APPROVAL BY SECRETARY.**—The Secretary may approve an Indian trust asset management plan that includes a provision authorizing the Indian tribe to enter into, approve, and carry out a surface leasing transaction or forest land management activity without approval of the Secretary, regardless of whether the surface leasing transaction or forest land management activity would require such an approval under otherwise applicable law (including regulations), if—

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

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

(A) 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 clause (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

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

(i) are consistent with the regulations of the Secretary adopted under the National In-

dian Forest Resources Management Act (25 U.S.C. 3101 et seq.); and

(ii) provide for an environmental review process that includes—

(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

(II) a process consistent with the regulations referred to in clause (i) for ensuring that—

(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed forest land management activity identified by the Indian tribe; and

(bb) the Indian tribe provides responses to relevant and substantive public comments on any such impacts before the Indian tribe approves the forest land management activity.

(c) **TYPES OF TRANSACTIONS.**—

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

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

(d) **TECHNICAL ASSISTANCE.**—

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

(2) **INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.**—The technical assistance to be provided by the Secretary pursuant to paragraph (1) may be made available through contracts, grants, or agreements entered into in accordance with, and made available to entities eligible for, contracts, grants, or agreements under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(e) **FEDERAL ENVIRONMENTAL REVIEW.**—Notwithstanding subsection (b), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe shall have the authority to rely on the environmental review process of the applicable Federal agency, rather than any tribal environmental review process under this section.

(f) **DOCUMENTATION.**—If an Indian tribe executes a surface leasing transaction or forest land management activity, pursuant to tribal regulations under subsection (b)(2), the Indian tribe shall provide to the Secretary

(1) a copy of the surface leasing transaction or forest land management activity documents, including any amendments to, or renewals of, the applicable transaction; and

(2) in the case of tribal regulations, a surface leasing transaction, or forest land management activities that allow payments to be made directly to the Indian tribe, documentation of the payments that is sufficient to enable the Secretary to discharge the trust responsibility of the United States under subsection (g).

(g) **TRUST RESPONSIBILITY.**—

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

(A) by an Indian tribe as a result of the execution of any forest land management activity pursuant to tribal regulations under subsection (b); or

(B) by any party to a lease executed pursuant to tribal regulations under subsection (b).

(2) **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 reg-

ulations), 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 this section.

(h) **COMPLIANCE.**—

(1) **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.

(2) **VIOLATIONS.**—If the Secretary determines under paragraph (1) that a violation of tribal regulations has occurred, the Secretary may take any action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases of tribal trust land.

(3) **DOCUMENTATION.**—If the Secretary determines under paragraph (1) that a violation of tribal regulations has occurred and a remedy is necessary, the Secretary shall—

(A) make a written determination with respect to the regulations that have been violated;

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

(C) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the reassumption of the trust asset transaction approval responsibilities, provide to the applicable Indian tribe—

(i) a hearing on the record; and

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

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

(a) **LIABILITY.**—Subject to section 205 and this section, nothing in this title or an Indian trust asset management plan approved under section 204 shall independently diminish, increase, create, or otherwise affect the liability of the United States or an Indian tribe participating in the project for any loss resulting from the management of an Indian trust asset under an Indian trust asset management plan.

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

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

(d) **EFFECT ON OTHER LAWS.**—

(1) **IN GENERAL.**—Except as provided in sections 204 and 205 and subsection (e), nothing in this title amends or otherwise affects the application of any treaty, statute, regulation, or Executive order that is applicable to Indian trust assets or the management or administration of Indian trust assets.

(2) **INDIAN SELF-DETERMINATION ACT.**—Nothing in this title limits or otherwise affects the authority of an Indian tribe, including an Indian tribe participating in the project, to enter into and carry out a contract, compact, or other agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including regulations).

(e) **SEPARATE APPROVAL.**—An Indian tribe may submit to the Secretary tribal regulations described in section 205(b) governing

forest land management activities for review and approval under this title if the Indian tribe does not submit or intend to submit an Indian trust asset management plan.

(f) **TRUST RESPONSIBILITY.**—Nothing in this title enhances, diminishes, or otherwise affects the trust responsibility of the United States to Indian tribes or individual Indians.

### TITLE III—IMPROVING EFFICIENCY AND STREAMLINING PROCESSES

#### SEC. 301. PURPOSE.

The purpose of this title is to ensure a more efficient and streamlined administration of duties of the Secretary of the Interior with respect to providing services and programs to Indians and Indian tribes, including the management of Indian trust resources.

#### SEC. 302. DEFINITIONS.

In this title:

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

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

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

(4) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary for Indian Affairs established under section 303(a).

#### SEC. 303. UNDER SECRETARY FOR INDIAN AFFAIRS.

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

(b) **APPOINTMENT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(2) **EXCEPTION.**—The individual serving as the Assistant Secretary for Indian Affairs on the date of enactment of this Act may assume the position of Under Secretary without appointment under paragraph (1), if—

(A) that individual was appointed as Assistant Secretary for Indian Affairs by the President, by and with the advice and consent of the Senate; and

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

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

(1) coordinate with the Special Trustee for American Indians to ensure an orderly transition of the functions of the Special Trustee to one or more appropriate agencies, offices, or bureaus within the Department, as determined by the Secretary;

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

(A) the Bureau of Reclamation;

(B) the Bureau of Land Management;

(C) the Office of Natural Resources Revenue;

(D) the National Park Service; and

(E) the United States Fish and Wildlife Service; and

(3) provide for regular consultation with Indians and Indian tribes that own interests in trust resources and trust fund accounts.

(d) **PERSONNEL PROVISIONS.**—

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

(2) **REQUIREMENTS.**—Except as otherwise provided by law—

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

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

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

#### SEC. 304. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS.

(a) **INFORMATION TO CONGRESS.**—Notwithstanding sections 302 and 303 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042 and 4043), not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and, after consultation with Indian tribes and appropriate Indian organizations, submit to the Committee on Natural Resources of the House of Representatives, the Committee on Indian Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate—

(1) an identification of all functions, other than the collection, management, and investment of Indian trust funds, that the Office of the Special Trustee performs independently or in concert with the BIA or other Federal agencies, specifically those functions that affect or relate to management of nonmonetary trust resources;

(2) a description of any functions of the Office of the Special Trustee that will be transitioned to other bureaus or agencies within the Department prior to the termination date of the Office, as described in paragraph (3), together with the timeframes for those transfers; and

(3) a transition plan and timetable for the termination of the Office of the Special Trustee, to occur not later than 2 years after the date of submission, unless the Secretary determines that an orderly transition cannot be accomplished within 2 years, in which case the Secretary shall include—

(A) a statement of all reasons why the transition cannot be effected within that time; and

(B) an alternative date for completing the transition.

(b) **FIDUCIARY TRUST OFFICERS.**—Subject to applicable law and regulations, the Secretary, at the request of an Indian tribe or a consortium of Indian tribes, shall include fiduciary trust officers in a contract, compact, or other agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(c) **EFFECT OF SECTION.**—Nothing in this section or the submission required by this section—

(1) shall cause the Office of the Special Trustee to terminate; or

(2) affect the application of sections 302 and 303 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042 and 4043).

#### SEC. 305. APPRAISALS AND VALUATIONS.

(a) **IN GENERAL.**—Notwithstanding section 304, not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with Indian tribes and tribal organizations, shall ensure that appraisals and valuations of Indian trust property are administered by a single bureau, agency, or other administrative entity within the Department.

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

(c) **SECRETARIAL APPROVAL.**—In any case in which an Indian tribe or Indian beneficiary submits to the Secretary an appraisal or

valuation that satisfies the minimum qualifications described in subsection (b), and that submission acknowledges the intent of the Indian tribe or beneficiary to have the appraisal or valuation considered under this section, the appraisal or valuation—

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

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

#### SEC. 306. COST SAVINGS.

(a) **IN GENERAL.**—For any program, function, service, or activity (or any portion of a program, function, service, or activity) of the Office of the Special Trustee that will not be operated or carried out as a result of a transfer of functions and personnel following enactment of this Act, the Secretary shall—

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

(2) provide to the tribal representatives of the Tribal-Interior Budget Council or the representative of any other appropriate entity that advises the Secretary on Indian program budget or funding issues a list that describes—

(A) the programs, functions, services, and activities (or any portion of a program, function, service, or activity) identified under paragraph (1); and

(B) the amounts associated with each program, function, service, and activity (or portion of a program, function, service, or activity).

(b) **TRIBAL RECOMMENDATIONS.**—Not later than 90 days after the date of receipt of a list under subsection (a)(2), the tribal representatives of the Tribal-Interior Budget Council and the representatives of any other appropriate entities that advise the Secretary on Indian program budget or funding issues may provide recommendations regarding how any amounts or cost savings should be reallocated, incorporated into future budget requests, or appropriated to—

(1) the Secretary;

(2) the Office of Management and Budget;

(3) the Committee on Appropriations of the House of Representatives;

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

(5) the Committee on Appropriations of the Senate; and

(6) the Committee on Indian Affairs of the Senate.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from California (Mr. McCLINTOCK) and the gentlewoman from Massachusetts (Ms. TSONGAS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 812, which is sponsored by our respected colleague from Idaho, Congressman SIMPSON. This measure reforms tribal sovereignty made to America's Indian nations.

Specifically, this bill provides new authority to tribal governments to manage and develop their trust assets according to their own best judgment and the wishes of their own constituencies rather than an historically inept and often clueless bureaucracy in Washington. These nations are either sovereign or they are not, and the essence of sovereignty is self-determination.

Under this act, participating tribes will have the option of entering into disagreements with the Department of the Interior to take over management of the resources within their own jurisdictions. This bill also builds upon other congressional initiatives like the HEARTH Act of 2012, which deferred to a tribe's own judgment about what is in the best interests for their own lands.

This bill has strong bipartisan support both here in the House as well as the U.S. Senate. Additionally, the bill is supported by the National Congress of American Indians, Confederated Tribes of the Colville Reservation, the Intertribal Timber Council, and the Affiliated Tribes of Northwest Indians, which include 57 tribal governments in Oregon, Idaho, Washington, southeast Alaska, northern California, and Montana.

I urge passage of the bill, and I reserve the balance of my time.

Ms. TSONGAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 812 will take an important step in fulfilling our fiduciary responsibility to Indian tribes by modernizing the Indian trust asset management system.

The Indian Trust Asset Reform Act will streamline the bureaucratic process that has often been a hindrance to successful trust management, while also rightfully giving tribes the options to manage their own assets.

Through the trust asset demonstration project created in the bill, tribes can, at their own election, develop asset management plans with the Secretary of the Interior in order to better manage and develop their lands and natural resources.

As has been shown time and time again, tribal governments are the ones best suited to make decisions for their own people and their own communities.

Additionally, while the Office of the Special Trustee, or OST, has implemented positive reforms since its creation in 1994, the time has come to transition to a more modern, efficient, and accountable system for the management of Indian trust resources.

To that end, H.R. 812 would consolidate the functions of the Bureau of Indian Affairs and the OST into one office within the Department of the Interior, headed by a new undersecretary of Indian Affairs.

Mr. Speaker, we fully support H.R. 812, and I urge its swift adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Idaho (Mr. SIMPSON), the author of this measure and an indefatigable fighter for the Indian nations of our country.

Mr. SIMPSON. Mr. Speaker, I would like to thank the full committee chairman, Mr. BISHOP; the ranking member, Mr. GRIJALVA; the subcommittee chairman, Mr. MCCLINTOCK, and the ranking member, Ms. TSONGAS, for considering this bill.

The relationship between Native Americans and the United States Government is complicated, not well understood, and filled with inconsistencies. Today Indian Country faces a number of serious challenges, ranging from addressing abject poverty to trying to promote economic development in the face of inefficient bureaucracy.

The Federal Government has a trust responsibility to meet its commitments to Indian Country. Yet in many cases, Federal agencies hinder, rather than help, tribes provide for their members. This is illustrated by the settlement of the Cobell litigation and the scores of tribal trust lawsuits over the past few years, which have cost taxpayers more than \$5.5 billion.

A number of tribes, including many in the Northwest, have been working to address some of the challenges that they face in managing tribal trust assets. Many tribes are capable of effectively and efficiently managing their own assets—and often are better equipped to do so than the agencies currently responsible for that management. Yet, in order to have a say in how these assets are managed, they must swim upstream against a muddled Federal bureaucracy.

This is why I introduced H.R. 812, the Indian Trust Asset Reform Act. This legislation had its origins with the tribes themselves, which is where Congress should always start when it takes up issues affecting Indian Country. H.R. 812 was developed and has been endorsed by the Affiliated Tribes of Northwest Indians, the National Congress of American Indians, the United South & Eastern Tribes, the Intertribal Timber Council, and the U.S. Chamber of Commerce.

H.R. 812 will do several things to modernize the Federal Government's role in managing Indian trust property. First, it would establish a voluntary demonstration project to give Indian tribes more control over the management of their trust assets. This will provide Indian tribes with new flexibility to direct management of these assets under tribal standards rather than Federal standards that are often outdated and inefficient.

As part of the negotiated demonstration project, Indian tribes would be able to conduct forest management activities on their own tribal lands

through a process similar to the HEARTH Act of 2012, which the administration has strongly supported and has proven successful in promoting tribal self-determination and self-governance.

H.R. 812 would also authorize the Indian tribes and Indian beneficiaries, on a voluntary basis, to obtain appraisals of their trust property without having to wait for the Department of the Interior to approve them. This new authority would provide relief to all in Indian Country who currently endure lengthy delays in selling or leasing their trust land while they wait for the Department to review and approve appraisals.

Finally, the bill would direct the Secretary of the Interior to consult with Indian Country and provide certain information to Congress about the Office of the Special Trustee. OST was originally intended as a temporary entity to oversee certain financial reforms of Indian trust funds at the Department of the Interior. More than 20 years later, OST has significant involvement in the day-to-day transactions. Tribes have long complained about the miscommunications, delays, and inefficiencies that result from trying to navigate the processes of both OST and the Bureau of Indian Affairs. The information the bill requires the Secretary to provide will assist Congress in determining the future of OST.

It is worth noting that this bill has undergone a number of changes since introduction. The bill has been revised to incorporate input not only from the committees of jurisdiction in both Chambers, but also from the Department of the Interior, the Department of Justice, tribal organizations, and individual Indian tribes.

The Congressional Budget Office has found that H.R. 812 would not affect the Federal Government's overall costs.

I would also point out that H.R. 812 is a voluntary program intended to provide tribes with new flexibility to promote economic development. Where tribes are not willing or able to take on these responsibilities, they will not have to.

H.R. 812 is just one aspect in a larger conversation on improving the management of tribal trust assets. If enacted into law, this bill would be an important step in providing tribes with the autonomy they need to manage their assets and spur economic growth in their communities.

I want to thank Chairman MCCLINTOCK and his committee, and Chairmen BISHOP and YOUNG and their staffs for their work on this bill. They have held two hearings and graciously taken input from tribes and the administration, which is why we are here today with this legislation.

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Finally, I want to thank the tribes that have offered their expertise in the crafting of this bill. Just like the intentions of the underlying bill, Indian

Country deserves to be in the driver's seat when making decisions about their own future.

Ms. TSONGAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HECK).

Mr. HECK of Washington. Mr. Speaker, I rise today to support H.R. 812, the Indian Trust Asset Reform Act, and I commend it to you for your positive consideration.

When you stop and think about it, this word "trust" actually has two pretty distinct meanings. It can be the belief that someone or something is honest, trustworthy, the belief that you can take them at their word.

On the other hand, "trust" can also be a financial or a property arrangement. A trust is legally held or managed by someone else. It could be for your kids or your grandkids or any beneficiary.

But the irony is a trust in the property management sense is that that often arises out of a lack of trust, as in honesty, when it comes to the person or source receiving the money. It is not a check handed over. It is a financial arrangement with conditions or requirements.

When it comes to Indian Country, they have plenty of historical reasons to lack trust when it comes to the Federal Government; but, the Federal Government does not have reasons to not trust Indian Country's ability to manage their own resources, and natural resources are what have always been the most important asset in Indian Country.

The Indian Trust Asset Reform Act is based on the simple notion that Indian Country prospers when tribes have the opportunity to make their own decisions and chart their own paths. This is what self-determination looks like. This is what sovereignty looks like.

Many tribes, particularly those in my home State of Washington, are among the largest employers and natural resource managers in the entire region. Tribes in the Pacific Northwest have an abundance of trust resources on their land, from timber to rangeland, to fishery resources.

These tribes count on the ability to make decisions quickly to adjust to changing circumstances and to maintain vibrant communities for their members and the region as a whole.

H.R. 812 advances this idea by giving tribes new authority to propose and enter into management plans with the Department of Interior, plans that put the tribes in the driver's seat.

H.R. 812 also returns more control to tribal members, who are often frustrated by, as has been noted earlier, years-long delays that they must go through in obtaining Federal approval to sell or lease or otherwise manage their trust lands.

H.R. 812 would give individuals and tribes a new option to complete these transactions without having to wait for the Department of Interior to go

through all that lengthy review and approval process.

Accordingly, it will save time, it will save money, but, most importantly, it will allow the tribes to make their own decisions about how to use their historic lands.

When we find commonsense fixes like this, we restore some of the trust, in the first meaning of the word, and build upon the trust that is already there.

Twenty-seven years ago, if I may make a personal note, I had the privilege to join the office of Governor Booth Gardner in a role that would quickly become chief of staff. Fairly shortly, we signed off on a document known as the Centennial Accord. My good friend and colleague from Washington State will recall it well.

Basically, it was the first memorialization in the history of the United States that recognized the government-to-government relationship between the tribes and the State of Washington.

I have said regularly since, in an intermittent public service career extending back 40-some years, I have no higher point of pride than the small role I played in that, lo, those many years ago.

Accordingly, I would like to thank Congressman SIMPSON very much for his leadership on this bill and for allowing me the privilege to be the Democratic lead cosponsor.

I would like to add my expression of gratitude to Chairman MCCLINTOCK and the gentlewoman from Massachusetts (Ms. TSONGAS) as well as our ranking member, all those involved.

I would like to thank the Affiliated Tribes of Northwest Indians and its Trust Reform Committee. Let it not go unsaid that there was a decade of work leading up to today, a decade of work.

"Sovereignty" means sovereignty. "Government-to-government" means just exactly that. The fact of the matter is we have a moral and a legal and sometimes a treaty obligation to fulfill that government-to-government relationship. It is the right thing to do.

It is in that spirit that I submit H.R. 812 for your favorable consideration.

Mr. MCCLINTOCK. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. NEWHOUSE), my colleague on the Natural Resources Committee.

Mr. NEWHOUSE. Mr. Speaker, I thank the chairman from California (Mr. MCCLINTOCK) for yielding.

Mr. Speaker, last summer more than 400,000 acres of tribal land in the Northwest burned with the Colville and the Yakama Tribes, which are in my district, enduring the worst fire season in a generation.

The Colville Indian Reservation alone saw 250,000 acres burned, consumed, by that blaze, much of which consisted of commercial timber.

The Indian Trust Asset Reform Act, H.R. 812, will authorize Indian tribes on a voluntary basis to carry out forest

management activities on their own tribal lands without requiring review and approval by the Bureau of Indian Affairs. It will allow the Colville, the Yakama, and other tribes across the West to move salvage log sales more quickly than is possible under the current BIA process.

Providing tribes who maintain their timber resources with the authority to make these management decisions will expedite on-the-ground activity and open new doors to attract investment. In fact, I would argue that we should also give more control to States and localities in addition to these tribes.

The new authority derived in H.R. 812 will provide additional benefits to tribes with timber resources. The Colville Tribe has been attempting to reopen a sawmill in Omak, Washington, also in my district, since 2009.

One of the primary impediments to reopening has been the BIA's unwillingness to approve longer term agreements between the tribe and third-party investors. This new authority in this bill will allow tribes to enter into these type of agreements on their own, resulting in the creation of additional jobs as well as economic activity.

Last September, while catastrophic wildfires continued to burn across central Washington, Secretary Jewell visited the Colville Reservation and saw the devastation firsthand. Mr. Speaker, before the next fire season begins, significant resources will be needed to replant these forests as well as rehabilitate these landscapes.

The administration has not done enough to provide these tribes with the resources they need. We must correct that. We must make this change in order to ensure that these forests can continue to be a viable and productive resource for the tribes and communities in my district, my State, and the rest of the country.

Ms. TSONGAS. Mr. Speaker, I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I urge adoption of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 812, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK BOUNDARY ADJUSTMENT ACT OF 2015

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3371) to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes.