

cipally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

SUBCHAPTER III—IMPROVING EFFICIENCY AND STREAMLINING PROCESSES

§ 5631. Purpose

The purpose of this subchapter 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.

(Pub. L. 114–178, title III, §301, June 22, 2016, 130 Stat. 439.)

§ 5632. Definitions

In this subchapter:

(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 5633(a) of this title.

(Pub. L. 114–178, title III, §302, June 22, 2016, 130 Stat. 439.)

§ 5633. 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 June 22, 2016, 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 June 22, 2016, 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 transi-

tion 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; and

(C) in appointing or otherwise hiring any employee, the Under Secretary shall give preference to Indians in accordance with section 5116 of this title.

(Pub. L. 114–178, title III, §303, June 22, 2016, 130 Stat. 440.)

§ 5634. Office of Special Trustee for American Indians

(a) Information to Congress

Notwithstanding sections 4042 and 4043 of this title, not later than 1 year after June 22, 2016, 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 Trust-

ee, 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.).¹

(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 4042 and 4043 of this title.

(Pub. L. 114-178, title III, §304, June 22, 2016, 130 Stat. 441.)

Editorial Notes

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (b), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

§ 5635. Appraisals and valuations

(a) In general

Notwithstanding section 5634 of this title, not later than 18 months after June 22, 2016, 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 June 22, 2016, 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

¹ See References in Text note below.

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

(Pub. L. 114-178, title III, §305, June 22, 2016, 130 Stat. 441.)

§ 5636. 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 chapter, 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.

(Pub. L. 114-178, title III, §306, June 22, 2016, 130 Stat. 442.)

CHAPTER 49—SAVANNA'S ACT

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5703.	Improving Tribal access to databases.
5704.	Guidelines for responding to cases of missing or murdered Indians.
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§ 5701. Purposes

The purposes of this chapter are—

- (1) to clarify the responsibilities of Federal, State, Tribal, and local law enforcement agen-