

Suspend the Rules and Pass the Bill, H.R. 812, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
1ST SESSION

H. R. 812

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2015

Mr. SIMPSON (for himself, Mr. COLE, and Mr. HECK of Washington) introduced the following bill; which was referred to the Committee on Natural Resources

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”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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.

1 **TITLE I—RECOGNITION OF**
2 **TRUST RESPONSIBILITY**

3 **SEC. 101. FINDINGS.**

4 Congress finds that—

5 (1) there exists a unique relationship between
6 the Government of the United States and the gov-
7 ernments of Indian tribes;

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

10 (3) through treaties, statutes, and historical re-
11 lations with Indian tribes, the United States has un-
12 dertaken a unique trust responsibility to protect and
13 support Indian tribes and Indians;

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

9 (5) the foregoing historic Federal-tribal rela-
10 tions and understandings have benefitted the people
11 of the United States as a whole for centuries and
12 have established enduring and enforceable Federal
13 obligations to which the national honor has been
14 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 responsibility of the United States to Indian tribes in-
19 cludes a duty to promote tribal self-determination regard-
20 ing governmental authority and economic development.

1 **TITLE II—INDIAN TRUST ASSET**
2 **MANAGEMENT DEMONSTRATION**
3 **PROJECT**

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

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

7 **SEC. 202. DEFINITIONS.**

8 In this title:

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

13 (2) PROJECT.—The term “Project” means the
14 Indian trust asset management demonstration
15 project 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 demonstra-
23 tion project, in accordance with this title.

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

1 (1) IN GENERAL.—An Indian tribe shall be eli-
2 gible 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
9 provide 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 request-
11 ing to participate in the project.

12 (d) DURATION.—The project—

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

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

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 sub-
22 mit to the Secretary a proposed Indian trust asset
23 management 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
2 subject to the plan;

3 (B) establish trust asset management ob-
4 jectives and priorities for Indian trust assets
5 that are located within the reservation, or oth-
6 erwise subject to the jurisdiction, of the Indian
7 tribe;

8 (C) allocate trust asset management fund-
9 ing that is available for the Indian trust assets
10 subject to the plan in order to meet the trust
11 asset management objectives and priorities;

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

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

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

3 (E) establish procedures for nonbinding
4 mediation or resolution of any dispute between
5 the Indian tribe and the United States relating
6 to the trust asset management plan;

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

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

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

21 (b) APPROVAL AND DISAPPROVAL OF PROPOSED
22 PLANS.—

23 (1) APPROVAL.—

24 (A) IN GENERAL.—Not later than 120
25 days after the date on which an Indian tribe

1 submits a proposed Indian trust asset manage-
2 ment plan under subsection (a), the Secretary
3 shall approve or disapprove the proposed plan.

4 (B) REQUIREMENTS FOR DISAPPROVAL.—
5 The Secretary shall approve a proposed plan
6 unless the Secretary determines that—

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

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

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

17 (2) ACTION ON DISAPPROVAL.—

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

23 (B) ACTION BY TRIBES.—If a proposed
24 plan is disapproved under paragraph (1)(B),
25 the Indian tribe may resubmit an amended pro-

1 posed plan by not later than 90 days after the
2 date on which the Indian tribe receives the no-
3 tice under subparagraph (A).

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

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

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

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

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

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

3 (d) TERMINATION OF PLAN.—

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

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

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

14 (2) EFFECTIVE DATE.—A termination of an In-
15 dian trust asset management plan under paragraph
16 (1) takes effect on October 1 of the first fiscal year
17 following the date on which a notice is provided to
18 the Secretary under paragraph (1)(A).

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

21 (a) DEFINITIONS.—In this section:

22 (1) FOREST LAND MANAGEMENT ACTIVITY.—
23 The term “forest land management activity” means
24 any activity described in section 304(4) of the Na-

1 tional Indian Forest Resources Management Act (25
2 U.S.C. 3103(4)).

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

8 (3) SURFACE LEASING TRANSACTION.—The
9 term “surface leasing transaction” means a residen-
10 tial, business, agricultural, or wind or solar resource
11 lease of land the title to which is held—

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

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

16 (b) APPROVAL BY SECRETARY.—The Secretary may
17 approve an Indian trust asset management plan that in-
18 cludes a provision authorizing the Indian tribe to enter
19 into, approve, and carry out a surface leasing transaction
20 or forest land management activity without approval of
21 the Secretary, regardless of whether the surface leasing
22 transaction or forest land management activity would re-
23 quire such an approval under otherwise applicable law (in-
24 cluding regulations), if—

1 (1) the resolution or other action of the gov-
2 erning body of the Indian tribe referred to in section
3 203(c)(2)(A) expressly authorizes the inclusion of
4 the provision in the Indian trust asset management
5 plan; and

6 (2) the Indian tribe has adopted regulations ex-
7 pressly incorporated by reference into the Indian
8 trust asset management plan that—

9 (A) with respect to a surface leasing trans-
10 action—

11 (i) have been approved by the Sec-
12 retary pursuant to subsection (h)(4) of the
13 first section of the Act of August 9, 1955
14 (25 U.S.C. 415(h)(4)); or

15 (ii) have not yet been approved by the
16 Secretary in accordance with clause (i), but
17 that the Secretary determines at or prior
18 to the time of approval under this para-
19 graph meet the requirements of subsection
20 (h)(3) of the first section of that Act (25
21 U.S.C. 415(h)(3)); or

22 (B) with respect to forest land manage-
23 ment activities, the Secretary determines—

24 (i) are consistent with the regulations
25 of the Secretary adopted under the Na-

1 tional Indian Forest Resources Manage-
2 ment Act (25 U.S.C. 3101 et seq.); and

3 (ii) provide for an environmental re-
4 view process that includes—

5 (I) the identification and evalua-
6 tion of any significant effects of the
7 proposed action on the environment;
8 and

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

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

19 (bb) the Indian tribe pro-
20 vides responses to relevant and
21 substantive public comments on
22 any such impacts before the In-
23 dian tribe approves the forest
24 land management activity.

25 (c) TYPES OF TRANSACTIONS.—

1 (1) IN GENERAL.—At the discretion of the In-
2 dian tribe, an Indian trust asset management plan
3 may authorize the Indian tribe to carry out a sur-
4 face leasing transaction, a forest land management
5 activity, or both.

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

12 (d) TECHNICAL ASSISTANCE.—

13 (1) IN GENERAL.—The Secretary may provide
14 technical assistance, on request of an Indian tribe,
15 for development of a regulatory environmental re-
16 view process required under subsection (b)(2)(B)(ii).

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

1 (e) FEDERAL ENVIRONMENTAL REVIEW.—Notwith-
2 standing subsection (b), if an Indian tribe carries out a
3 project or activity funded by a Federal agency, the Indian
4 tribe shall have the authority to rely on the environmental
5 review process of the applicable Federal agency, rather
6 than any tribal environmental review process under this
7 section.

8 (f) DOCUMENTATION.—If an Indian tribe executes a
9 surface leasing transaction or forest land management ac-
10 tivity, pursuant to tribal regulations under subsection
11 (b)(2), the Indian tribe shall provide to the Secretary

12 (1) a copy of the surface leasing transaction or
13 forest land management activity documents, includ-
14 ing any amendments to, or renewals of, the applica-
15 ble transaction; and

16 (2) in the case of tribal regulations, a surface
17 leasing transaction, or forest land management ac-
18 tivities that allow payments to be made directly to
19 the Indian tribe, documentation of the payments
20 that is sufficient to enable the Secretary to dis-
21 charge the trust responsibility of the United States
22 under subsection (g).

23 (g) TRUST RESPONSIBILITY.—

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

1 (A) by an Indian tribe as a result of the
2 execution of any forest land management activ-
3 ity pursuant to tribal regulations under sub-
4 section (b); or

5 (B) by any party to a lease executed pur-
6 suant to tribal regulations under subsection (b).

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

15 (h) COMPLIANCE.—

16 (1) IN GENERAL.—An interested party, after
17 exhausting any applicable tribal remedies, may sub-
18 mit to the Secretary a petition, at such time and in
19 such form as the Secretary determines to be appro-
20 priate, to review the compliance of an applicable In-
21 dian tribe with any tribal regulations approved by
22 the Secretary under this subsection.

23 (2) VIOLATIONS.—If the Secretary determines
24 under paragraph (1) that a violation of tribal regula-
25 tions has occurred, the Secretary may take any ac-

1 tion the Secretary determines to be necessary to
2 remedy the violation, including rescinding the ap-
3 proval of the tribal regulations and reassuming re-
4 sponsibility for the approval of leases of tribal trust
5 land.

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

10 (A) make a written determination with re-
11 spect to the regulations that have been violated;

12 (B) provide to the applicable Indian tribe
13 a written notice of the alleged violation, to-
14 gether with the written determination; and

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

20 (i) a hearing on the record; and

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

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

24 (a) LIABILITY.—Subject to section 205 and this sec-
25 tion, nothing in this title or an Indian trust asset manage-

1 ment plan approved under section 204 shall independently
2 diminish, increase, create, or otherwise affect the liability
3 of the United States or an Indian tribe participating in
4 the project for any loss resulting from the management
5 of an Indian trust asset under an Indian trust asset man-
6 agement plan.

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

15 (c) EFFECT OF TERMINATION OF PLAN.—Subsection
16 (b) applies to losses resulting from a transaction or activ-
17 ity described in that subsection even if the Indian trust
18 asset management plan is terminated under section
19 204(d) or rescinded under section 205(h).

20 (d) EFFECT ON OTHER LAWS.—

21 (1) IN GENERAL.—Except as provided in sec-
22 tions 204 and 205 and subsection (e), nothing in
23 this title amends or otherwise affects the application
24 of any treaty, statute, regulation, or Executive order

1 that is applicable to Indian trust assets or the man-
2 agement or administration of Indian trust assets.

3 (2) INDIAN SELF-DETERMINATION ACT.—Noth-
4 ing in this title limits or otherwise affects the au-
5 thority of an Indian tribe, including an Indian tribe
6 participating in the project, to enter into and carry
7 out a contract, compact, or other agreement under
8 the Indian Self-Determination and Education Assist-
9 ance Act (25 U.S.C. 450 et seq.) (including regula-
10 tions).

11 (e) SEPARATE APPROVAL.—An Indian tribe may sub-
12 mit to the Secretary tribal regulations described in section
13 205(b) governing forest land management activities for re-
14 view and approval under this title if the Indian tribe does
15 not submit or intend to submit an Indian trust asset man-
16 agement plan.

17 (f) TRUST RESPONSIBILITY.—Nothing in this title
18 enhances, diminishes, or otherwise affects the trust re-
19 sponsibility of the United States to Indian tribes or indi-
20 vidual Indians.

1 **TITLE III—IMPROVING EFFI-**
2 **CIENCY AND STREAMLINING**
3 **PROCESSES**

4 **SEC. 301. PURPOSE.**

5 The purpose of this title is to ensure a more efficient
6 and streamlined administration of duties of the Secretary
7 of the Interior with respect to providing services and pro-
8 grams to Indians and Indian tribes, including the manage-
9 ment of Indian trust resources.

10 **SEC. 302. DEFINITIONS.**

11 In this title:

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

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

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

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

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

22 (a) ESTABLISHMENT OF POSITION.—Notwith-
23 standing any other provision of law, the Secretary may
24 establish in the Department the position of Under Sec-

1 retary for Indian Affairs, who shall report directly to the
2 Secretary.

3 (b) APPOINTMENT.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the Under Secretary shall be appointed
6 by the President, by and with the advice and consent
7 of the Senate.

8 (2) EXCEPTION.—The individual serving as the
9 Assistant Secretary for Indian Affairs on the date of
10 enactment of this Act may assume the position of
11 Under Secretary without appointment under para-
12 graph (1), if—

13 (A) that individual was appointed as As-
14 sistant Secretary for Indian Affairs by the
15 President, by and with the advice and consent
16 of the Senate; and

17 (B) not later than 180 days after the date
18 of enactment of this Act, the Secretary ap-
19 proves the assumption.

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

22 (1) coordinate with the Special Trustee for
23 American Indians to ensure an orderly transition of
24 the functions of the Special Trustee to one or more

1 appropriate agencies, offices, or bureaus within the
2 Department, as determined by the Secretary;

3 (2) to the maximum extent practicable, super-
4 vise and coordinate activities and policies of the BIA
5 with activities and policies of—

6 (A) the Bureau of Reclamation;

7 (B) the Bureau of Land Management;

8 (C) the Office of Natural Resources Rev-
9 enue;

10 (D) the National Park Service; and

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

13 (3) provide for regular consultation with Indi-
14 ans and Indian tribes that own interests in trust re-
15 sources and trust fund accounts.

16 (d) PERSONNEL PROVISIONS.—

17 (1) APPOINTMENTS.—The Under Secretary
18 may appoint and fix the compensation of such offi-
19 cers and employees as the Under Secretary deter-
20 mines to be necessary to carry out any function
21 transferred under this section.

22 (2) REQUIREMENTS.—Except as otherwise pro-
23 vided by law—

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

4 (B) the compensation of such an officer or
5 employee shall be fixed in accordance with title
6 5, United States Code; and

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

11 **SEC. 304. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN IN-**
12 **DIANS.**

13 (a) INFORMATION TO CONGRESS.—Notwithstanding
14 sections 302 and 303 of the American Indian Trust Fund
15 Management Reform Act of 1994 (25 U.S.C. 4042 and
16 4043), not later than 1 year after the date of enactment
17 of this Act, the Secretary shall prepare and, after con-
18 sultation with Indian tribes and appropriate Indian orga-
19 nizations, submit to the Committee on Natural Resources
20 of the House of Representatives, the Committee on Indian
21 Affairs of the Senate, and the Committees on Appropria-
22 tions of the House of Representatives and the Senate—

23 (1) an identification of all functions, other than
24 the collection, management, and investment of In-
25 dian trust funds, that the Office of the Special

1 Trustee performs independently or in concert with
2 the BIA or other Federal agencies, specifically those
3 functions that affect or relate to management of
4 nonmonetary trust resources;

5 (2) a description of any functions of the Office
6 of the Special Trustee that will be transitioned to
7 other bureaus or agencies within the Department
8 prior to the termination date of the Office, as de-
9 scribed in paragraph (3), together with the time-
10 frames for those transfers; and

11 (3) a transition plan and timetable for the ter-
12 mination of the Office of the Special Trustee, to
13 occur not later than 2 years after the date of sub-
14 mission, unless the Secretary determines that an or-
15 derly transition cannot be accomplished within 2
16 years, in which case the Secretary shall include—

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

20 (B) an alternative date for completing the
21 transition.

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

1 other agreement under the Indian Self-Determination and
2 Education Assistance Act (25 U.S.C. 450 et seq.).

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

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

7 (2) affect the application of sections 302 and
8 303 of the American Indian Trust Fund Manage-
9 ment Reform Act of 1994 (25 U.S.C. 4042 and
10 4043).

11 **SEC. 305. APPRAISALS AND VALUATIONS.**

12 (a) IN GENERAL.—Notwithstanding section 304, not
13 later than 18 months after the date of enactment of this
14 Act, the Secretary, in consultation with Indian tribes and
15 tribal organizations, shall ensure that appraisals and valu-
16 ations of Indian trust property are administered by a sin-
17 gle bureau, agency, or other administrative entity within
18 the Department.

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

24 (c) SECRETARIAL APPROVAL.—In any case in which
25 an Indian tribe or Indian beneficiary submits to the Sec-

1 return an appraisal or valuation that satisfies the min-
2 imum qualifications described in subsection (b), and that
3 submission acknowledges the intent of the Indian tribe or
4 beneficiary to have the appraisal or valuation considered
5 under this section, the appraisal or valuation—

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

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

11 **SEC. 306. COST SAVINGS.**

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

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

23 (2) provide to the tribal representatives of the
24 Tribal-Interior Budget Council or the representative
25 of any other appropriate entity that advises the Sec-

1 retary on Indian program budget or funding issues
2 a list that describes—

3 (A) the programs, functions, services, and
4 activities (or any portion of a program, func-
5 tion, service, or activity) identified under para-
6 graph (1); and

7 (B) the amounts associated with each pro-
8 gram, function, service, and activity (or portion
9 of a program, function, service, or activity).

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

19 (1) the Secretary;

20 (2) the Office of Management and Budget;

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

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

1 (5) the Committee on Appropriations of the
2 Senate; and
3 (6) the Committee on Indian Affairs of the Sen-
4 ate.