

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 812  
OFFERED BY MR. BISHOP OF UTAH**

Strike all after the enacting clause and insert the following:

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

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

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 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;

14                (4) the fiduciary responsibilities of the United  
15           States to Indians also are founded in part on spe-  
16           cific commitments made through written treaties  
17           and agreements securing peace, in exchange for  
18           which Indians have surrendered claims to vast tracts  
19           of land, which provided legal consideration for per-  
20           manent, ongoing performance of Federal trust du-  
21           ties; and

22                (5) the foregoing historic Federal-tribal rela-  
23           tions and understandings have benefitted the people  
24           of the United States as a whole for centuries and  
25           have established enduring and enforceable Federal

1 obligations to which the national honor has been  
2 committed.

3 **SEC. 102. REAFFIRMATION OF POLICY.**

4 Pursuant to the constitutionally vested authority of  
5 Congress over Indian affairs, Congress reaffirms that the  
6 responsibility of the United States to Indian tribes in-  
7 cludes a duty to promote tribal self-determination regard-  
8 ing governmental authority and economic development.

9 **TITLE II—INDIAN TRUST ASSET**  
10 **MANAGEMENT DEMONSTRA-**  
11 **TION PROJECT**

12 **SEC. 201. SHORT TITLE.**

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

15 **SEC. 202. DEFINITIONS.**

16 In this title:

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

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

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

1 **SEC. 203. ESTABLISHMENT OF DEMONSTRATION PROJECT;**  
2 **SELECTION OF PARTICIPATING INDIAN**  
3 **TRIBES.**

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

7 (b) SELECTION OF PARTICIPATING INDIAN  
8 TRIBES.—

9 (1) IN GENERAL.—An Indian tribe shall be eli-  
10 gible to participate in the project if—

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

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

15 (2) NOTICE.—

16 (A) IN GENERAL.—The Secretary shall  
17 provide a written notice to each Indian tribe ap-  
18 proved to participate in the project.

19 (B) CONTENTS.—A notice under subpara-  
20 graph (A) shall include—

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

24 (ii) a requirement that the Indian  
25 tribe shall submit to the Secretary a pro-

1                   posed Indian trust asset management plan  
2                   in accordance with section 204.

3           (c) APPLICATION.—

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

8                   (2) REQUIREMENTS.—The Secretary shall con-  
9           sider an application under this subsection only if the  
10          application—

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

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

17                   (C) states that the Indian tribe is request-  
18          ing to participate in the project.

19          (d) DURATION.—The project—

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

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

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

25          (a) PROPOSED PLAN.—

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

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

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

10                (B) establish trust asset management ob-  
11 jectives and priorities for Indian trust assets  
12 that are located within the reservation, or oth-  
13 erwise subject to the jurisdiction, of the Indian  
14 tribe;

15                (C) allocate trust asset management fund-  
16 ing that is available for the Indian trust assets  
17 subject to the plan in order to meet the trust  
18 asset management objectives and priorities;

19                (D) if the Indian tribe has contracted or  
20 compacted functions or activities under the In-  
21 dian Self-Determination and Education Assist-  
22 ance Act (25 U.S.C. 450 et seq.) relating to the  
23 management of trust assets—

24                         (i) identify the functions or activities  
25 that are being or will be performed by the

1 Indian tribe under the contracts, compacts,  
2 or other agreements under that Act, which  
3 may include any of the surface leasing or  
4 forest land management activities author-  
5 ized by the proposed plan pursuant to sec-  
6 tion 205(b); and

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

9 (E) establish procedures for nonbinding  
10 mediation or resolution of any dispute between  
11 the Indian tribe and the United States relating  
12 to the trust asset management plan;

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

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

20 (3) TECHNICAL ASSISTANCE AND INFORMA-  
21 TION.—On receipt of a written request from an In-  
22 dian tribe, the Secretary shall provide to the Indian  
23 tribe any technical assistance and information, in-  
24 cluding budgetary information, that the Indian tribe

1 determines to be necessary for preparation of a pro-  
2 posed plan.

3 (b) APPROVAL AND DISAPPROVAL OF PROPOSED  
4 PLANS.—

5 (1) APPROVAL.—

6 (A) IN GENERAL.—Not later than 120  
7 days after the date on which an Indian tribe  
8 submits a proposed Indian trust asset manage-  
9 ment plan under subsection (a), the Secretary  
10 shall approve or disapprove the proposed plan.

11 (B) REQUIREMENTS FOR DISAPPROVAL.—  
12 The Secretary shall approve a proposed plan  
13 unless the Secretary determines that—

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

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

19 (iii) the cost of implementing the pro-  
20 posed plan exceeds the amount of funding  
21 available for the management of trust as-  
22 sets that would be subject to the proposed  
23 plan.

24 (2) ACTION ON DISAPPROVAL.—



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

6           (B) ACTION BY TRIBES.—If a proposed  
7           plan is disapproved under paragraph (1)(B),  
8           the Indian tribe may resubmit an amended pro-  
9           posed plan by not later than 90 days after the  
10          date on which the Indian tribe receives the no-  
11          tice under subparagraph (A).

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

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

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

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

4           (c) APPLICABLE LAWS.—Subject to section 205, an  
5 Indian trust asset management plan, and any activity car-  
6 ried out under the plan, shall not be approved unless the  
7 proposed plan is consistent with any treaties, statutes, and  
8 Executive orders that are applicable to the trust assets,  
9 or the management of the trust assets, identified in the  
10 plan.

11          (d) TERMINATION OF PLAN.—

12           (1) IN GENERAL.—An Indian tribe may termi-  
13 nate an Indian trust asset management plan on any  
14 date after the date on which a proposed Indian trust  
15 asset management plan is approved by providing to  
16 the Secretary

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

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

22           (2) EFFECTIVE DATE.—A termination of an In-  
23 dian trust asset management plan under paragraph  
24 (1) takes effect on October 1 of the first fiscal year

1 following the date on which a notice is provided to  
2 the Secretary under paragraph (1)(A).

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

5 (a) DEFINITIONS.—In this section:

6 (1) FOREST LAND MANAGEMENT ACTIVITY.—

7 The term “forest land management activity” means  
8 any activity described in section 304(4) of the Na-  
9 tional Indian Forest Resources Management Act (25  
10 U.S.C. 3103(4)).

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

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

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

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

24 (b) APPROVAL BY SECRETARY.—The Secretary may  
25 approve an Indian trust asset management plan that in-

1 cludes a provision authorizing the Indian tribe to enter  
2 into, approve, and carry out a surface leasing transaction  
3 or forest land management activity without approval of  
4 the Secretary, regardless of whether the surface leasing  
5 transaction or forest land management activity would re-  
6 quire such an approval under otherwise applicable law (in-  
7 cluding regulations), if—

8           (1) the resolution or other action of the gov-  
9           erning body of the Indian tribe referred to in section  
10          203(c)(2)(A) expressly authorizes the inclusion of  
11          the provision in the Indian trust asset management  
12          plan; and

13          (2) the Indian tribe has adopted regulations ex-  
14          pressly incorporated by reference into the Indian  
15          trust asset management plan that—

16                (A) with respect to a surface leasing trans-  
17                action—

18                   (i) have been approved by the Sec-  
19                   retary pursuant to subsection (h)(4) of the  
20                   first section of the Act of August 9, 1955  
21                   (25 U.S.C. 415(h)(4)); or

22                   (ii) have not yet been approved by the  
23                   Secretary in accordance with clause (i), but  
24                   that the Secretary determines at or prior  
25                   to the time of approval under this para-

1 graph meet the requirements of subsection  
2 (h)(3) of the first section of that Act (25  
3 U.S.C. 415(h)(3)); or

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

6 (i) are consistent with the regulations  
7 of the Secretary adopted under the Na-  
8 tional Indian Forest Resources Manage-  
9 ment Act (25 U.S.C. 3101 et seq.); and

10 (ii) provide for an environmental re-  
11 view process that includes—

12 (I) the identification and evalua-  
13 tion of any significant effects of the  
14 proposed action on the environment;  
15 and

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

19 (aa) the public is informed  
20 of, and has a reasonable oppor-  
21 tunity to comment on, any sig-  
22 nificant environmental impacts of  
23 the proposed forest land manage-  
24 ment activity identified by the In-  
25 dian tribe; and

1 (bb) the Indian tribe pro-  
2 vides responses to relevant and  
3 substantive public comments on  
4 any such impacts before the In-  
5 dian tribe approves the forest  
6 land management activity.

7 (c) TYPES OF TRANSACTIONS.—

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

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

19 (d) TECHNICAL ASSISTANCE.—

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

24 (2) INDIAN SELF-DETERMINATION AND EDU-  
25 CATION ASSISTANCE ACT.—The technical assistance

1 to be provided by the Secretary pursuant to para-  
2 graph (1) may be made available through contracts,  
3 grants, or agreements entered into in accordance  
4 with, and made available to entities eligible for, con-  
5 tracts, grants, or agreements under the Indian Self-  
6 Determination and Education Assistance Act (25  
7 U.S.C. 450 et seq.).

8 (e) FEDERAL ENVIRONMENTAL REVIEW.—Notwith-  
9 standing subsection (b), if an Indian tribe carries out a  
10 project or activity funded by a Federal agency, the Indian  
11 tribe shall have the authority to rely on the environmental  
12 review process of the applicable Federal agency, rather  
13 than any tribal environmental review process under this  
14 section.

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

19 (1) a copy of the surface leasing transaction or  
20 forest land management activity documents, includ-  
21 ing any amendments to, or renewals of, the applica-  
22 ble transaction; and

23 (2) in the case of tribal regulations, a surface  
24 leasing transaction, or forest land management ac-  
25 tivities that allow payments to be made directly to

1 the Indian tribe, documentation of the payments  
2 that is sufficient to enable the Secretary to dis-  
3 charge the trust responsibility of the United States  
4 under subsection (g).

5 (g) TRUST RESPONSIBILITY.—

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

8 (A) by an Indian tribe as a result of the  
9 execution of any forest land management activ-  
10 ity pursuant to tribal regulations under sub-  
11 section (b); or

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

14 (2) AUTHORITY OF SECRETARY.—Pursuant to  
15 the authority of the Secretary to fulfill the trust ob-  
16 ligation of the United States to Indian tribes under  
17 Federal law (including regulations), the Secretary  
18 may, on reasonable notice from the applicable Indian  
19 tribe and at the discretion of the Secretary, enforce  
20 the provisions of, or cancel, any lease executed by  
21 the Indian tribe under this section.

22 (h) COMPLIANCE.—

23 (1) IN GENERAL.—An interested party, after  
24 exhausting any applicable tribal remedies, may sub-  
25 mit to the Secretary a petition, at such time and in



1 such form as the Secretary determines to be appro-  
2 priate, to review the compliance of an applicable In-  
3 dian tribe with any tribal regulations approved by  
4 the Secretary under this subsection.

5 (2) VIOLATIONS.—If the Secretary determines  
6 under paragraph (1) that a violation of tribal regula-  
7 tions has occurred, the Secretary may take any ac-  
8 tion the Secretary determines to be necessary to  
9 remedy the violation, including rescinding the ap-  
10 proval of the tribal regulations and reassuming re-  
11 sponsibility for the approval of leases of tribal trust  
12 land.

13 (3) DOCUMENTATION.—If the Secretary deter-  
14 mines under paragraph (1) that a violation of tribal  
15 regulations has occurred and a remedy is necessary,  
16 the Secretary shall—

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

19 (B) provide to the applicable Indian tribe  
20 a written notice of the alleged violation, to-  
21 gether with the written determination; and

22 (C) prior to the exercise of any remedy,  
23 the rescission of the approval of the regulation  
24 involved, or the reassumption of the trust asset

1 transaction approval responsibilities, provide to  
2 the applicable Indian tribe—

3 (i) a hearing on the record; and

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

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

7 (a) **LIABILITY.**—Subject to section 205 and this sec-  
8 tion, nothing in this title or an Indian trust asset manage-  
9 ment plan approved under section 204 shall independently  
10 diminish, increase, create, or otherwise affect the liability  
11 of the United States or an Indian tribe participating in  
12 the project for any loss resulting from the management  
13 of an Indian trust asset under an Indian trust asset man-  
14 agement plan.

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

23 (c) **EFFECT OF TERMINATION OF PLAN.**—Subsection  
24 (b) applies to losses resulting from a transaction or activ-  
25 ity described in that subsection even if the Indian trust

1 asset management plan is terminated under section  
2 204(d) or rescinded under section 205(h).

3 (d) EFFECT ON OTHER LAWS.—

4 (1) IN GENERAL.—Except as provided in sec-  
5 tions 204 and 205 and subsection (e), nothing in this  
6 title amends or otherwise affects the application of  
7 any treaty, statute, regulation, or Executive order  
8 that is applicable to Indian trust assets or the man-  
9 agement or administration of Indian trust assets.

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

18 (e) SEPARATE APPROVAL.—An Indian tribe may sub-  
19 mit to the Secretary tribal regulations described in section  
20 205(b) governing forest land management activities for re-  
21 view and approval under this title if the Indian tribe does  
22 not submit or intend to submit an Indian trust asset man-  
23 agement plan.

24 (f) TRUST RESPONSIBILITY.—Nothing in this title  
25 enhances, diminishes, or otherwise affects the trust re-

1 sponsibility of the United States to Indian tribes or indi-  
2 vidual Indians.

3 **TITLE III—IMPROVING EFFI-**  
4 **CIENCY AND STREAMLINING**  
5 **PROCESSES**

6 **SEC. 301. PURPOSE.**

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

12 **SEC. 302. DEFINITIONS.**

13 In this title:

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

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

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

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

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

24 (a) ESTABLISHMENT OF POSITION.—Notwith-  
25 standing any other provision of law, the Secretary may

1 establish in the Department the position of Under Sec-  
2 retary for Indian Affairs, who shall report directly to the  
3 Secretary.

4 (b) APPOINTMENT.—

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

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

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

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

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

23 (1) coordinate with the Special Trustee for  
24 American Indians to ensure an orderly transition of  
25 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) REPORT TO CONGRESS.—Notwithstanding sec-  
14 tions 302 and 303 of the American Indian Trust Fund  
15 Management Reform Act of 1994 (25 U.S.C. 4042, 4043),  
16 not later than 1 year after the date of enactment of this  
17 Act, the Secretary shall prepare and, after consultation  
18 with Indian tribes and appropriate Indian organizations,  
19 submit to the Committee on Natural Resources of the  
20 House of Representatives, the Committee on Indian Af-  
21 fairs of the Senate, and the Committees on Appropriations  
22 of the House of Representatives and the Senate a report  
23 that includes—

24 (1) an identification of all functions, other than  
25 the collection, management, and investment of In-

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

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

12           (3) a transition plan and timetable for the ter-  
13       mination of the Office of the Special Trustee, to  
14       occur not later than 2 years after the date of sub-  
15       mission of the report, unless the Secretary deter-  
16       mines that an orderly transition cannot be accom-  
17       plished within 2 years, in which case the report shall  
18       include—

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

22            (B) an alternative date for completing the  
23       transition.

24        (b) FIDUCIARY TRUST OFFICERS.—Subject to appli-  
25       cable law and regulations, the Secretary, at the request



1 of an Indian tribe or a consortium of Indian tribes, shall  
2 include fiduciary trust officers in a contract, compact, or  
3 other agreement under the Indian Self-Determination and  
4 Education Assistance Act (25 U.S.C. 450 et seq.).

5 (c) EFFECT OF SECTION.—Nothing in this section or  
6 the report required by this section—

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

9 (2) affect the application of sections 302 and  
10 303 of the American Indian Trust Fund Manage-  
11 ment Reform Act of 1994 (25 U.S.C. 4042 and  
12 4043).

13 **SEC. 305. APPRAISALS AND VALUATIONS.**

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

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

1           (c) SECRETARIAL APPROVAL.—In any case in which  
2 an Indian tribe or Indian beneficiary submits to the Sec-  
3 retary an appraisal or valuation that satisfies the min-  
4 imum qualifications described in subsection (b), and that  
5 submission acknowledges the intent of the Indian tribe or  
6 beneficiary to have the appraisal or valuation considered  
7 under this section, the appraisal or valuation—

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

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

13 **SEC. 306. COST SAVINGS.**

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

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

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

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

10                   (B) the amounts associated with each pro-  
11                   gram, function, service, and activity (or portion  
12                   of a program, function, service, or activity).

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

22                   (1) the Secretary;

23                   (2) the Office of Management and Budget;

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

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

