

APRIL 2015 CROW TRIBAL LEGISLATURE

JOINT ACTION RESOLUTION NO. JAR-15-04

Introduced by Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE
CROW TRIBAL EXECUTIVE BRANCH ENTITLED:

**A RESOLUTION OF THE CROW TRIBAL LEGISLATIVE AND EXECUTIVE
BRANCHES TO ENDORSE THE INDIAN TRUST MODERNIZATION ACT**

Legislative Findings:

WHEREAS, the Crow Tribal Legislature (“Legislature”) has the power and duty under Article V, Section 2(a) of the 2001 Crow Constitution to promulgate and adopt laws and resolutions in accordance with the 2001 Constitution and federal laws for the governance of the Crow Tribe of Indians (“Tribe”); and

WHEREAS, the Legislature is charged with the responsibility under Article V, Section 2(d) of the Constitution to grant final approval or disapproval of items negotiated by the Executive Branch pertinent to the sale, disposition, lease, or encumbrance of Tribal lands, interests in land, or mineral assets of the Tribe; and

WHEREAS, the Crow Tribal Executive Branch (“Executive Branch”) has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3(a) of the 2001 Crow Constitution to represent the Crow Tribe in negotiations with Federal, State and local government in matters of welfare affecting the Crow Tribe, and in Section 3(f) to negotiate and approve or prevent any sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, with final approval granted by the Legislative Branch; and

WHEREAS, the Legislature and the Executive Branch are committed to protecting assets that are relied on by members of the Tribe, and to ensuring that the federal government fulfills all its historic fiduciary duties to protect and promote the government, economy, and welfare of the Tribe; and

WHEREAS, the Crow Reservation a large amount of land held by the United States in trust for the Tribe which includes productive rangeland with significant agricultural value and significant coal deposits, and the development and productive use of the Reservation’s lands is critical for the welfare and governance of the Tribe; and

WHEREAS, the federal government as a whole needs more clear direction from Congress regarding federal trust responsibilities to Indians, including better recognition of duties of loyalty, consultation, communication, and to avoid and address conflicts of interest; and

WHEREAS, the Tribe desires additional opportunities to manage its own assets without the costs and delays of federal administration, and recognizes that empowering tribal governments with greater control over management of their own affairs is critical for expanding tribal welfare and prosperity; and

WHEREAS, Congress in 1994 temporarily established the Office of the Special Trustee for American Indians, which has implemented needed reforms but become an ongoing additional bureaucracy that impairs and delays federal trust management; and

WHEREAS, President Obama has established the White House Council on Native American Affairs, but Indian tribes should be included as full partners in its work to improve regular, high-level tribal consultation and interagency coordination, and sound models for this exist in the current Tribal/Interior Budget Council and the former National Council on Indian Opportunity, which was established by President Johnson and expanded and relied on by President Nixon; and

WHEREAS, federal Indian affairs and management of Indian trust assets should be modernized to reaffirm the historic sources and basic scope of federal trust responsibilities to Indian tribes; to broadly and permanently recognize greater tribal authority over trust asset management; to reintegrate and elevate Indian affairs within the Department of the Interior to be more efficient, effective, and accountable; and to establish a permanent body comprised of regionally representative tribal leaders and cabinet-level federal officials to improve federal-tribal consultation and interagency coordination; and

WHEREAS, the Tribe has reviewed and approves the proposed Indian Trust Modernization Act of 2015, which has been developed and proposed by the Navajo Nation and others to address all of the above interests and concerns;

**NOW THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL
LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH:**

Section 1. Endorsement of Indian Trust Modernization Act.

The Crow Tribal Legislature and the Crow Tribal Executive Branch do hereby endorse, support, and urge congressional enactment of the proposed Indian Trust Modernization Act of 2015, to reaffirm federal trust responsibilities, recognize greater tribal sovereignty, reintegrate federal Indian trust management, and reconstitute the National Council on Indian Opportunity, subject to necessary and appropriate revisions.

Section 2. Authorization for Action.

The Executive Branch and representatives of the Crow Tribe are hereby authorized and directed to take all necessary actions to advocate for enactment of the Indian Trust Modernization Act.

Section 3. Effective Date.

This Tribal resolution shall take effect immediately upon being duly adopted by the Crow Tribal Legislature and approved by the Chairman of the Executive Branch.

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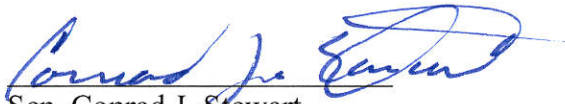
CERTIFICATION

I hereby certify that this Joint Action Resolution entitled "A RESOLUTION OF THE CROW TRIBAL LEGISLATIVE AND EXECUTIVE BRANCHES TO ENDORSE THE INDIAN TRUST MODERNIZATION ACT" was duly approved by the Crow Tribal Legislature with a vote of 14 in favor, 0 opposed, and 0 abstained, and that a quorum was present on this 22nd, of April 2015.



Sen. R. Knute Old Crow
Speaker of the House
Crow Tribal Legislature

Attest:



Sen. Conrad J. Stewart
Secretary Pro Tem
Crow Tribal Legislature



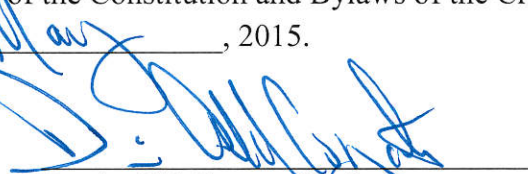
EXECUTIVE ACTION

I hereby

X approve

_____ veto

this Joint Action Resolution entitled " A RESOLUTION OF THE CROW TRIBAL LEGISLATIVE AND EXECUTIVE BRANCHES TO ENDORSE THE INDIAN TRUST MODERNIZATION ACT " pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians on this 4 day of May, 2015.



Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

**JAR15-04 "A RESOLUTION OF THE CROW TRIBAL LEGISLATIVE AND EXECUTIVE BRANCHES
TO ENDORSE THE INDIAN TRUST MODERNIZATION ACT"**

Bill or Resolution: JAR15-04 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 4/22/2015
Number

<u>Representative:</u>	Yes	No	Abstained
G. Three Irons	<u> X </u>	<u> </u>	<u> </u>
B. Rogers	<u> X </u>	<u> </u>	<u> </u>
P. Hill	<u> X </u>	<u> </u>	<u> </u>
E. Birdinground	<u> X </u>	<u> </u>	<u> </u>
A.Coyote-Runs, Sr.	<u> X </u>	<u> </u>	<u> </u>
V. Nomee	<u> </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> </u>	<u> </u>	<u> </u>
B. Hugs	<u> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> X </u>	<u> </u>	<u> </u>
B. Good Luck	<u> X </u>	<u> </u>	<u> </u>
G. Stewart	<u> </u>	<u> </u>	<u> </u>
C. Stewart <i>Secretary Pro-Tem</i>	<u> X </u>	<u> </u>	<u> </u>
R. Old Crow, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 14 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed

Not Passed

Tabled

Veto-Override


Senator R. Knute Old Crow, Sr.
Speaker of the House

Date


Senator Conrad J. Stewart
Secretary Pro-Tem

Date

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. Congressional statement of findings.

Sec. 102. Congressional reaffirmation of policy.

TITLE II—INDIAN TRUST ASSET MANAGEMENT DEMONSTRATION
PROJECT ACT

- Sec. 201. Short title.
 Sec. 202. Definitions.
 Sec. 203. Establishment of demonstration project; selection of participating Indian tribes.
 Sec. 204. Indian trust asset management plan.
 Sec. 205. Effect of title.

TITLE III—RESTRUCTURING OFFICE OF THE SPECIAL TRUSTEE

- Sec. 301. Purpose.
 Sec. 302. Definitions.
 Sec. 303. Under Secretary for Indian Affairs.
 Sec. 304. Office of the 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. CONGRESSIONAL STATEMENT OF FINDINGS.

4 The Congress, after careful review of the Federal
 5 Government's historical and special legal relationship
 6 with, and resulting responsibilities to, American Indian
 7 people, finds that—

8 (1) the relationship of Indian tribes to the
 9 United States is founded in part on the settled doctrine of the law of nations that when a stronger sovereign assumes authority over a weaker sovereign,
 10 the stronger one assumes a duty of protection for
 11 the weaker one, which does not surrender its right
 12 to self-government;

13 (2) the United States fiduciary responsibilities
 14 to Indians also are founded in part on specific commitments made through written treaties and agree-

1 ments securing peace, in exchange for which Indians
2 have surrendered claims to vast tracts of land, which
3 provided legal consideration for permanent, ongoing
4 performance of Federal trust duties; and

5 (3) the foregoing historic Federal-tribal rela-
6 tions and understandings have benefitted the people
7 of the United States as a whole for centuries and es-
8 tablished enduring and enforceable Federal obliga-
9 tions to which the national honor has been com-
10 mitted.

11 **SEC. 102. CONGRESSIONAL REAFFIRMATION OF POLICY.**

12 Pursuant to its constitutionally vested authority over
13 Indian affairs, the Congress hereby reaffirms that the
14 United States fiduciary responsibilities to Indian tribes in-
15 clude and are not limited by a duty to promote tribal self-
16 determination regarding governmental authority and eco-
17 nomic development.

18 **TITLE II—INDIAN TRUST ASSET**
19 **MANAGEMENT DEMONSTRA-**
20 **TION PROJECT ACT**

21 **SEC. 201. SHORT TITLE.**

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

24 **SEC. 202. DEFINITIONS.**

25 In this title:

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

4 (2) INDIAN TRIBE.—The term “Indian tribe”
 5 means an Indian tribe that—

6 (A) is federally recognized; and

7 (B) submits an application under section
 8 203(c).

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

11 **SEC. 203. ESTABLISHMENT OF DEMONSTRATION PROJECT;**
 12 **SELECTION OF PARTICIPATING INDIAN**
 13 **TRIBES.**

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

17 (b) SELECTION OF PARTICIPATING INDIAN
 18 TRIBES.—

19 (1) INDIAN TRIBES.—

20 (A) IN GENERAL.—Any Indian tribe shall
 21 be eligible to participate in the Project if—

22 (i) the Indian tribe submits to the
 23 Secretary an application under subsection
 24 (c); and

1 (ii) the Secretary approves the appli-
2 cation of the Indian tribe.

3 (2) NOTICE.—

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

7 (B) CONTENTS.—A notice under subpara-
8 graph (A) shall include—

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

12 (ii) a requirement that the Indian
13 tribe shall submit to the Secretary a pro-
14 posed Indian trust asset management plan
15 in accordance with section 204.

16 (c) APPLICATION.—

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

21 (2) REQUIREMENTS.—The Secretary shall con-
22 sider an application under this subsection only if the
23 application—

24 (A) includes a copy of a resolution or other
25 appropriate action by the governing body of the

1 Indian tribe, as determined by the Secretary, in
2 support of or authorizing the application;

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

5 (C) states that the Indian tribe is request-
6 ing to participate in the Project.

7 (d) DURATION.—The Project shall remain in effect
8 for a period of 10 years after the date of enactment of
9 this Act, but may be extended at the discretion of the Sec-
10 retary.

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

12 (a) PROPOSED PLAN.—

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

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

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

22 (B) establish trust asset management ob-
23 jectives and priorities for Indian trust assets
24 that are located within the reservation, or oth-

1 erwise subject to the jurisdiction, of the Indian
2 tribe;

3 (C) allocate trust asset management fund-
4 ing that is available for the Indian trust assets
5 subject to the plan in order to meet the trust
6 asset management objectives and priorities;

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

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

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

17 (E) establish procedures for nonbinding
18 mediation or resolution of any dispute between
19 the Indian tribe and the United States relating
20 to the trust asset management plan;

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

1 (G) identify any Federal regulations that
2 will be superseded by the plan;

3 (3) TECHNICAL ASSISTANCE AND INFORMA-
4 TION.—The Secretary shall provide to an Indian
5 tribe any technical assistance and information, in-
6 cluding budgetary information, that the Indian tribe
7 determines to be necessary for preparation of a pro-
8 posed plan on receipt of a written request from the
9 Indian tribe.

10 (b) APPROVAL AND DISAPPROVAL OF PROPOSED
11 PLANS.—

12 (1) APPROVAL.—

13 (A) IN GENERAL.—Not later than 120
14 days after the date on which an Indian tribe
15 submits a proposed Indian trust asset manage-
16 ment plan under subsection (a), the Secretary
17 shall approve or disapprove the proposed plan.

18 (B) REQUIREMENTS FOR DISAPPROVAL.—
19 The Secretary shall approve a proposed plan
20 unless the Secretary determines that—

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

23 (ii) the proposed plan includes one or
24 more provisions that are inconsistent with
25 subsection (c); or

1 (iii) the cost of implementing the pro-
2 posed plan exceeds the amount of funding
3 available for the management of trust as-
4 sets that would be subject to the proposed
5 plan.

6 (2) ACTION ON DISAPPROVAL.—

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

12 (B) ACTION BY TRIBES.—If a proposed
13 plan is disapproved under paragraph (1)(B),
14 the Indian tribe may resubmit an amended pro-
15 posed plan not later than 90 days after the date
16 on which the Indian tribe receives the notice
17 under subparagraph (A).

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

22 (4) JUDICIAL REVIEW.—An Indian tribe may
23 seek judicial review of the determination of the Sec-
24 retary in accordance with subchapter II of chapter
25 5, and chapter 7, of title 5, United States Code

1 (commonly known as the “Administrative Procedure
2 Act”) if—

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

6 (B) the Indian tribe has exhausted any
7 other administrative remedy available to the In-
8 dian tribe.

9 (c) APPLICABLE LAWS; STANDARDS; TRUST RE-
10 SPONSIBILITY.—

11 (1) APPLICABLE LAWS.—Except as provided in
12 subsection (e), an Indian trust asset management
13 plan, and any activity carried out under the plan,
14 shall not be approved unless the proposed plan is
15 consistent with all treaties, statutes, Executive or-
16 ders, and court decisions that are applicable to the
17 trust assets, or the management of the trust assets,
18 identified in the plan.

19 (2) STANDARDS.—Subject to the laws referred
20 to in paragraph (1)(A), an Indian trust asset man-
21 agement plan shall not be approved unless the Sec-
22 retary determines that the plan will—

23 (A) conform, to the maximum extent prac-
24 ticable, to the preferred use of the trust asset
25 by the beneficial owner, unless the use is incon-

1 sistent with a treaty, statute, Executive order,
2 or court decision referred to in paragraph
3 (1)(A); and

4 (B) protect any applicable treaty-based
5 fishing, hunting and gathering, and similar
6 rights relating to the use, access, or enjoyment
7 of a trust asset.

8 (d) TERMINATION OF PLAN.—

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

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

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

19 (2) EFFECTIVE DATE.—A termination of an In-
20 dian trust asset management plan under paragraph
21 (1) takes effect on October 1 of the first fiscal year
22 following the date on which a notice is provided to
23 the Secretary under paragraph (1)(A).

24 (e) APPROVAL OF CERTAIN AGREEMENTS BY INDIAN
25 TRIBE.—

1 (1) IN GENERAL.—Notwithstanding subsection
2 (c)(1), the Secretary may approve an Indian trust
3 asset management plan that includes a provision au-
4 thorizing the Indian tribe to enter into, approve and
5 carry out a surface leasing transaction or forest land
6 management activity without approval of the Sec-
7 retary, even though the surface leasing transaction
8 or forest land management activity would require
9 such approval under otherwise applicable law (in-
10 cluding regulations), if—

11 (A) the resolution of other action of the
12 governing body of the Indian tribe referred to
13 in section 203(c)(2)(B) expressly authorizes the
14 inclusion of such provision in the Indian trust
15 asset management plan;

16 (B) the Indian tribe has adopted regula-
17 tions expressly incorporated by reference into
18 the Indian trust asset management plan that—

19 (i) with respect to a surface leasing
20 transaction—

21 (I) have been approved by the
22 Secretary pursuant to subsection
23 (h)(4) of the first section of the Act of
24 August 9, 1955 (25 U.S.C. 415(h)(4))
25 titled “An Act to authorizes the leas-

1 ing of restricted Indian lands for pub-
2 lic, religious, educational, recreational,
3 residential, business, and other pur-
4 poses requiring the grant of long-term
5 leases” 415(h)(4)), or

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

14 (ii) with respect to forest land man-
15 agement activities, the Secretary deter-
16 mines—

17 (I) are consistent with the regu-
18 lations of the Secretary adopted under
19 the National Indian Forest Resources
20 Management Act (25 U.S.C. 3101 et
21 seq.); and

22 (II) provide for an environmental
23 review process that includes—

24 (aa) the identification and
25 evaluation of any significant ef-

fects of the proposed action on
the environment; and

(bb) a process for ensuring
that—

(AA) the public is in-
formed of, and has a reason-
able opportunity to comment
on, any significant environ-
mental impacts of the pro-
posed forest land manage-
ment activity identified by
the Indian tribe; and

(BB) the Indian tribe
provides responses to rel-
evant and substantive public
comments on any such im-
pacts before the Indian tribe
approves the timber resource
transaction.

(2) KINDS OF TRANSACTIONS.—

(A) IN GENERAL.—At the discretion of the
Indian tribe, an Indian trust asset management
plan may authorize the Indian tribe to carry
out either a surface leasing transaction or a for-

1 est land management activity, or both of those
2 kinds of transactions and activities.

3 (B) SELECTION OF SPECIFIC TRANS-
4 ACTIONS AND ACTIVITIES.—At the discretion of
5 the Indian tribe, the Indian tribe may include
6 in the Integrated Resource Management Plan
7 any one, several or all of the kinds of trans-
8 actions and activities authorized to be included
9 in such plan under subparagraph (A).

10 (3) TECHNICAL ASSISTANCE.—The Secretary
11 may provide technical assistance, upon request of
12 the Indian tribe, for development of a regulatory en-
13 vironmental review process required under para-
14 graph (1).

15 (4) INDIAN SELF-DETERMINATION ACT.—The
16 technical assistance to be provided by the Secretary
17 pursuant to paragraph (2) may be made available
18 through contracts, grants, or agreements entered
19 into in accordance with, and made available to enti-
20 ties eligible for, such contracts, grants, or agree-
21 ments under the Indian Self-Determination Act (25
22 U.S.C. 450 et seq.).

23 (5) FEDERAL ENVIRONMENTAL REVIEW.—Not-
24 withstanding paragraph (1), if an Indian tribe car-
25 ries out a project or activity funded by a Federal

1 agency, the Indian tribe shall have the authority to
2 rely on the environmental review process of the ap-
3 plicable Federal agency rather than any tribal envi-
4 ronmental review process under this subsection.

5 (6) DOCUMENTATION.—If an Indian tribe exe-
6 cutes a surface leasing transaction or forest land
7 management activity, pursuant to tribal regulations
8 under paragraph (1), the Indian tribe shall provide
9 the Secretary with—

10 (A) a copy of the surface leasing trans-
11 action or forest land management activity docu-
12 ments, including any amendments to or renew-
13 als of the applicable transaction; and

14 (B) in the case of tribal regulations, a sur-
15 face leasing transaction, or forest land manage-
16 ment activities that allow payments to be made
17 directly to the Indian tribe, documentation of
18 the payments that is sufficient to enable the
19 Secretary to discharge the trust responsibility
20 of the United States under paragraph (7).

21 (7) TRUST RESPONSIBILITY.—

22 (A) IN GENERAL.—The United States
23 shall not be liable for losses sustained by any
24 party to a lease executed pursuant to tribal reg-
25 ulations under paragraph (1).

1 (B) AUTHORITY OF SECRETARY.—Pursu-
2 ant to the authority of the Secretary to fulfill
3 the trust obligation of the United States to the
4 applicable Indian tribe under Federal law (in-
5 cluding regulations), the Secretary may, upon
6 reasonable notice from the applicable Indian
7 tribe and at the discretion of the Secretary, en-
8 force the provisions of, or cancel, any lease exe-
9 cuted by the Indian tribe under paragraph (1).
10 (8) COMPLIANCE.—

11 (A) IN GENERAL.—An interested party,
12 after exhausting of any applicable tribal rem-
13 edies, may submit a petition to the Secretary,
14 at such time and in such form as the Secretary
15 determines to be appropriate, to review the
16 compliance of the applicable Indian tribe with
17 any tribal regulations approved by the Sec-
18 retary under this subsection.

19 (B) VIOLATIONS.—If, after carrying out a
20 review under subparagraph (A), the Secretary
21 determines that the tribal regulations were vio-
22 lated, the Secretary may take any action the
23 Secretary determines to be necessary to remedy
24 the violation, including rescinding the approval
25 of the tribal regulations and reassuming respon-

1 sibility for the approval of leases of tribal trust
2 lands.

3 (C) DOCUMENTATION.—If the Secretary
4 determines that a violation of the tribal regula-
5 tions has occurred and a remedy is necessary,
6 the Secretary shall—

7 (i) make a written determination with
8 respect to the regulations that have been
9 violated;

10 (ii) provide the applicable Indian tribe
11 with a written notice of the alleged viola-
12 tion together with such written determina-
13 tion; and

14 (iii) prior to the exercise of any rem-
15 edy, the rescission of the approval of the
16 regulation involved, or the reassumption of
17 the trust asset transaction approval re-
18 sponsibilities, provide the applicable Indian
19 tribe with—

20 (I) a hearing that is on the
21 record; and

22 (II) a reasonable opportunity to
23 cure the alleged violation.

24 (9) DEFINED TERMS.—As used in this sub-
25 section, the term—

1 (A) “interested party” means an Indian or
2 non-Indian individual or corporation, or tribal
3 or non-tribal government whose interests could
4 be adversely affected by a tribal trust land leas-
5 ing decision made by an applicable Indian tribe;

6 (B) “surface leasing transaction” means a
7 residential, business, agricultural, or wind and
8 solar resource lease of tribal land;

9 (C) “forest land management activity”
10 means any one or more of the activities set
11 forth in section 304(4) of the National Indian
12 Forest Resources Management Act (25 U.S.C.
13 3101 et seq.); and

14 (D) “tribal land” means land, the title to
15 which is held in trust by the United States for
16 the benefit of an Indian tribe or held in fee by
17 an Indian tribe subject to restrictions against
18 alienation under Federal law.

19 **SEC. 205. EFFECT OF TITLE.**

20 (a) **LIABILITY.**—Subject to subparagraph (b), noth-
21 ing in this title, or a trust asset management plan ap-
22 proved under section 204, shall independently diminish,
23 increase, create, or otherwise affect the liability of the
24 United States or an Indian tribe participating in the
25 Project for any loss resulting from the management of an

1 Indian trust asset under an Indian trust asset manage-
2 ment plan.

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

11 (c) EFFECT ON OTHER LAWS.—Except for any regu-
12 lation superseded by a trust asset management plan ap-
13 proved under section 204(b), or any tribal regulations in-
14 cluded in or incorporated by reference in such a plan
15 under section 204(e), nothing in this title amends or oth-
16 erwise affects the application of any treaty, statute, regu-
17 lation, Executive order, or court decision that is applicable
18 to Indian trust assets or the management or administra-
19 tion of Indian trust assets.

20 (d) TRUST RESPONSIBILITY.—Nothing in this title
21 enhances, diminishes or otherwise affects the trust respon-
22 sibility of the United States to Indian tribes and individual
23 Indians.

1 **TITLE III—RESTRUCTURING OF-**
2 **FICE OF THE SPECIAL TRUST-**
3 **EE**

4 **SEC. 301. PURPOSE.**

5 The purpose of this title is to ensure a more efficient
6 and accountable 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 individual appointed to the po-
20 sition of Under Secretary for Indian Affairs, estab-
21 lished by section 303(a).

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

23 (a) AUTHORIZATION OF POSITION.—Notwith-
24 standing any other provision of law, the Secretary may
25 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 officer serving as the As-
9 sistant 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) the officer was appointed as Assistant
14 Secretary for Indian Affairs by the President by
15 and with the advice and consent of the Senate;
16 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 any or all functions of the Special Trustee to the

1 BIA or to any other agency or bureau within the
2 Department;

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 U.S. Fish and Wildlife Service;

12 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 8, 1934 (25 U.S.C. 472).

11 **SEC. 304. OFFICE OF THE SPECIAL TRUSTEE FOR AMER-**
12 **ICAN INDIANS.**

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 the Secretary shall prepare and, after consultation with
17 Indian tribes and appropriate Indian organizations, sub-
18 mit to the Secretary and the Committee on Natural Re-
19 sources of the House of Representatives, Committee on
20 Indian Affairs of the Senate, and the House and Senate
21 Committees on Appropriations, within one year after en-
22 actment of this Act, a report that includes the following:

23 (1) 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, either independently or in concert
2 with the BLA or other federal agencies, specifically
3 those functions that affect or relate to management
4 of non-monetary trust resources;

5 (2) A description of any functions of the Office
6 of the Special Trustee that will be transitioned to
7 the BLA or other bureaus or agencies within the De-
8 partment, together with applicable timeframes; and

9 (3) A transition plan and timetable for the ter-
10 mination of the Office of the Special Trustee to
11 occur not later than 2 years after the date of the re-
12 port.

13 (b) FIDUCIARY TRUST OFFICERS.—Subject to appli-
14 cable law and regulations, the Secretary shall, at the re-
15 quest of an Indian tribe or consortia of Indian tribes, in-
16 clude fiduciary trust officers in a contract, compact, or
17 cooperative agreement under the Indian Self-Determina-
18 tion and Education Assistance Act (Public Law 93–638),
19 as amended.

20 **SEC. 305. APPRAISALS AND VALUATIONS.**

21 (a) IN GENERAL.—Within 18 months of enactment
22 of this Act, the Secretary shall, in consultation with Indian
23 tribes and tribal organizations, ensure that appraisals and
24 valuations of Indian trust property are administered by

1 a single bureau, agency or other administrative entity
2 within the Department.

3 (b) MINIMUM QUALIFICATIONS.—Within one year of
4 enactment of this Act, the Secretary shall establish and
5 publish in the Federal Register minimum qualifications
6 for persons to prepare appraisals and valuations of Indian
7 trust property.

8 (c) SECRETARIAL APPROVAL.—When an Indian tribe
9 or Indian beneficiary submits an appraisal or valuation to
10 the Secretary that satisfies the minimum qualifications in
11 paragraph (2) and such submission acknowledges the tribe
12 or beneficiary's intent to have the appraisal or valuation
13 considered under this subsection, the appraisal or valu-
14 ation—

15 (1) shall not require any further Secretarial re-
16 view or approval; and

17 (2) shall be considered final for purposes of ef-
18 fectuating the transaction for which the appraisal or
19 valuation is required.

20 **SEC. 306. COST SAVINGS.**

21 (a) IN GENERAL.—For any program, function, serv-
22 ice, or activity (or any portions of programs, functions,
23 services, or activities) of the Office of the Special Trustee
24 that will not have to operate or carry out as a result of

1 any transfer of functions and personnel under this title,
2 the Secretary shall, within 60 days—

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

8 (2) provide to the Secretary and the tribal rep-
9 resentatives of the Tribal/Interior Budget Council,
10 or the representatives of any other appropriate enti-
11 ty that advises the Secretary on Indian program
12 budget or funding issues, the list of the programs,
13 functions, services, and activities (or any portions of
14 programs, functions, services, or activities) identified
15 pursuant paragraph (1) and the amounts associated
16 with each program, function, service, and activity (or
17 any portion of a program, function, service, or activ-
18 ity).

19 (b) TRIBAL RECOMMENDATIONS.—Within 90 days of
20 receipt of the information in subsection (a)(2), the tribal
21 representatives of the Tribal/Interior Budget Council, or
22 the representatives of any other appropriate entity that
23 advises the Secretary on Indian program budget or fund-
24 ing issues, may provide recommendations on how any
25 amounts or cost savings should be reallocated, incor-

1 porated into future budget requests, or appropriated, to
2 the—

3 (1) Secretary;

4 (2) Office of Management and Budget;

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

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

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

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

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