

**(2) Department**

The term “Department” means the Department of the Interior.

**(3) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(4) Under Secretary**

The term “Under Secretary” means the Under Secretary for Indian Affairs established under section 5633(a) of this title.

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

**§ 5633. Under Secretary for Indian Affairs****(a) Establishment of position**

Notwithstanding any other provision of law, the Secretary may establish in the Department the position of Under Secretary for Indian Affairs, who shall report directly to the Secretary.

**(b) Appointment****(1) In general**

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

**(2) Exception**

The individual serving as the Assistant Secretary for Indian Affairs on June 22, 2016, may assume the position of Under Secretary without appointment under paragraph (1), if—

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

(B) not later than 180 days after June 22, 2016, the Secretary approves the assumption.

**(c) Duties**

In addition to any other duties directed by the Secretary, the Under Secretary shall—

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

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

(A) the Bureau of Reclamation;

(B) the Bureau of Land Management;

(C) the Office of Natural Resources Revenue;

(D) the National Park Service; and

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

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

**(d) Personnel provisions****(1) Appointments**

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

**(2) Requirements**

Except as otherwise provided by law—

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

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

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

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

**§ 5634. Office of Special Trustee for American Indians****(a) Information to Congress**

Notwithstanding sections 4042 and 4043 of this title, not later than 1 year after June 22, 2016, the Secretary shall prepare and, after consultation with Indian tribes and appropriate Indian organizations, submit to the Committee on Natural Resources of the House of Representatives, the Committee on Indian Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate—

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

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

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

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

(B) an alternative date for completing the transition.

**(b) Fiduciary trust officers**

Subject to applicable law and regulations, the Secretary, at the request of an Indian tribe or a consortium of Indian tribes, shall include fiduciary trust officers in a contract, compact, or other agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).<sup>1</sup>

**(c) Effect of section**

Nothing in this section or the submission required by this section—

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

<sup>1</sup> See References in Text note below.