

source management plan any 1 or more of the transactions and activities authorized to be included in the plan under subsection (b).

**(d) Technical assistance**

**(1) In general**

The Secretary may provide technical assistance, on request of an Indian tribe, for development of a regulatory environmental review process required under subsection (b)(2)(B)(ii).

**(2) Indian Self-Determination and Education Assistance Act**

The technical assistance to be provided by the Secretary pursuant to paragraph (1) may be made available through contracts, grants, or agreements entered into in accordance with, and made available to entities eligible for, contracts, grants, or agreements under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).<sup>1</sup>

**(e) Federal environmental review**

Notwithstanding subsection (b), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe shall have the authority to rely on the environmental review process of the applicable Federal agency, rather than any tribal environmental review process under this section.

**(f) Documentation**

If an Indian tribe executes a surface leasing transaction or forest land management activity, pursuant to tribal regulations under subsection (b)(2), the Indian tribe shall provide to the Secretary<sup>2</sup>

(1) a copy of the surface leasing transaction or forest land management activity documents, including any amendments to, or renewals of, the applicable transaction; and

(2) in the case of tribal regulations, a surface leasing transaction, or forest land management activities that allow payments to be made directly to the Indian tribe, documentation of the payments that is sufficient to enable the Secretary to discharge the trust responsibility of the United States under subsection (g).

**(g) Trust responsibility**

**(1) In general**

The United States shall not be liable for losses sustained—

(A) by an Indian tribe as a result of the execution of any forest land management activity pursuant to tribal regulations under subsection (b); or

(B) by any party to a lease executed pursuant to tribal regulations under subsection (b).

**(2) Authority of Secretary**

Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to Indian tribes under Federal law (including regulations), the Secretary may, on reasonable notice from the applicable Indian tribe and at the discretion of the Secretary,

enforce the provisions of, or cancel, any lease executed by the Indian tribe under this section.

**(h) Compliance**

**(1) In general**

An interested party, after exhausting any applicable tribal remedies, may submit to the Secretary a petition, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of an applicable Indian tribe with any tribal regulations approved by the Secretary under this subsection.

**(2) Violations**

If the Secretary determines under paragraph (1) that a violation of tribal regulations has occurred, the Secretary may take any action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and re-assuming responsibility for the approval of leases of tribal trust land.

**(3) Documentation**

If the Secretary determines under paragraph (1) that a violation of tribal regulations has occurred and a remedy is necessary, the Secretary shall—

(A) make a written determination with respect to the regulations that have been violated;

(B) provide to the applicable Indian tribe a written notice of the alleged violation, together with the written determination; and

(C) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the re-assumption of the trust asset transaction approval responsibilities, provide to the applicable Indian tribe—

(i) a hearing on the record; and

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

(Pub. L. 114-178, title II, §205, June 22, 2016, 130 Stat. 436.)

**Editorial Notes**

REFERENCES IN TEXT

The National Indian Forest Resources Management Act, referred to in subsec. (b)(2)(B)(i), is title III of Pub. L. 101-630, Nov. 28, 1990, 104 Stat. 4532, which is classified generally to chapter 33 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (d)(2), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

**§ 5615. Effect of subchapter**

**(a) Liability**

Subject to section 5614 of this title and this section, nothing in this subchapter or an Indian trust asset management plan approved under section 5613 of this title shall independently diminish, increase, create, or otherwise affect the

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

<sup>2</sup> So in original. Probably should be followed by a dash.

liability of the United States or an Indian tribe participating in the project for any loss resulting from the management of an Indian trust asset under an Indian trust asset management plan.

**(b) Deviation from standard practices**

The United States shall not be liable to any party (including any Indian tribe) for any term of, or any loss resulting from the terms of, an Indian trust asset management plan that provides for management of a trust asset at a less-stringent standard than the Secretary would otherwise require or adhere to in absence of an Indian trust asset management plan.

**(c) Effect of termination of plan**

Subsection (b) applies to losses resulting from a transaction or activity described in that subsection even if the Indian trust asset management plan is terminated under section 5613(d) of this title or rescinded under section 5614(h) of this title.

**(d) Effect on other laws**

**(1) In general**

Except as provided in sections 5613 and 5614 of this title and subsection (e), nothing in this subchapter amends or otherwise affects the application of any treaty, statute, regulation, or Executive order that is applicable to Indian trust assets or the management or administration of Indian trust assets.

**(2) Indian Self-Determination Act**

Nothing in this subchapter limits or otherwise affects the authority of an Indian tribe, including an Indian tribe participating in the project, to enter into and carry out 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> (including regulations).

**(e) Separate approval**

An Indian tribe may submit to the Secretary tribal regulations described in section 5614(b) of this title governing forest land management activities for review and approval under this subchapter if the Indian tribe does not submit or intend to submit an Indian trust asset management plan.

**(f) Trust responsibility**

Nothing in this subchapter enhances, diminishes, or otherwise affects the trust responsibility of the United States to Indian tribes or individual Indians.

(Pub. L. 114-178, title II, §206, June 22, 2016, 130 Stat. 439.)

**Editorial Notes**

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (d)(2), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

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

SUBCHAPTER III—IMPROVING EFFICIENCY AND STREAMLINING PROCESSES

**§ 5631. Purpose**

The purpose of this subchapter is to ensure a more efficient and streamlined administration of duties of the Secretary of the Interior with respect to providing services and programs to Indians and Indian tribes, including the management of Indian trust resources.

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

**§ 5632. Definitions**

In this subchapter:

**(1) BIA**

The term “BIA” means the Bureau of Indian Affairs.

**(2) Department**

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

**(3) Secretary**

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

**(4) Under Secretary**

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

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

**§ 5633. Under Secretary for Indian Affairs**

**(a) Establishment of position**

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

**(b) Appointment**

**(1) In general**

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

**(2) Exception**

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

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

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

**(c) Duties**

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

(1) coordinate with the Special Trustee for American Indians to ensure an orderly 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—