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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Indian Trust Asset Reform Act.

IN THE HOUSE OF REPRESENTATIVES

Mr. HURD of Colorado introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Indian Trust Asset Reform Act.

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.**

4 This Act may be cited as the “Indian Trust Asset
5 Reform Amendment Act”.

6 **SEC. 2. AMENDMENTS TO INDIAN TRUST ASSET REFORM**
7 **ACT.**

8 (a) DEFINITIONS.—Section 202 of the Indian Trust
9 Asset Reform Act (25 U.S.C. 5611) is amended—

1 (1) by amending paragraph (1) to read as fol-
2 lows:

3 “(1) INDIAN TRIBE.—The term ‘Indian tribe’
4 means an Indian or Alaska Native tribe, band, na-
5 tion, pueblo, village, or community identified, includ-
6 ing parenthetically, on the list published by the Sec-
7 retary pursuant to Section 104 of the Federally Rec-
8 ognized Indian Tribe List Act of 1994 (25 U.S.C.
9 5131).”; and

10 (2) by adding at the end the following:

11 “(4) TRIBAL ORGANIZATION.—

12 “(A) IN GENERAL.—The term ‘tribal orga-
13 nization’ means any legally established organi-
14 zation of Indians which is controlled, sanc-
15 tioned, or chartered by the governing body of
16 an Indian Tribe or which is democratically
17 elected by the adult members of the Indian
18 community to be served by such organization
19 and which includes the maximum participation
20 of Indians in all phases of its activities.

21 “(B) MULTIPLE TRIBES.—In any case
22 where a contract is let or grant made to an or-
23 ganization to perform services benefiting more
24 than one Indian tribe, the approval of each such

1 Indian tribe shall be a prerequisite to the let-
2 ting or making of such contract or grant.”.

3 (b) INDIAN TRUST ASSET MANAGEMENT
4 PROJECT.—Section 203 of the Indian Trust Asset Reform
5 Act (25 U.S.C. 5612) is amended to read as follows:

6 **“SEC. 203. INDIAN TRUST ASSET MANAGEMENT PROJECT.**

7 “(a) IN GENERAL.—The Secretary shall carry out an
8 Indian trust asset management project in accordance with
9 this title.

10 “(b) PARTICIPATION.—

11 “(1) IN GENERAL.—To participate in the
12 project, an Indian tribe shall submit to the Secretary
13 a proposed Indian trust asset management plan as
14 described in section 204 of this title, and a copy of
15 a resolution or other appropriate action by the gov-
16 erning body of the Indian tribe in support of or au-
17 thorizing the submission.

18 “(2) TRIBAL ORGANIZATIONS.—A tribal organi-
19 zation may participate in the Project on behalf of an
20 Indian tribe if the tribal organization—

21 “(A) submits a proposed Indian trust asset
22 management plan that identifies the Indian
23 tribe, the trust assets of which are included in
24 the plan;

1 “(B) submits a copy of a resolution or
2 other appropriate action by the governing body
3 of the Indian tribe that is the owner of the
4 trust assets included in the Indian trust asset
5 management plan that supports or authorizes
6 the tribal organization to carry out the plan;
7 and

8 “(C) complies with the other provisions of
9 this title.”.

10 (c) INDIAN TRUST ASSET MANAGEMENT PLAN.—

11 Section 204 of the Indian Trust Asset Reform Act (25
12 U.S.C. 5613) is amended—

13 (1) in subsection (a)—

14 (A) by striking paragraph (1);

15 (B) by redesignating paragraphs (2) and
16 (3) as paragraphs (1) and (2) respectively;

17 (C) in paragraph (1), as so redesignated—

18 (i) in subparagraph (D)(i), by striking
19 “may include” and inserting “may include,
20 but are not limited to,”; and

21 (ii) in subparagraph (G), by striking
22 “plan” and inserting “plan, including reg-
23 ulations administered by the head of an-
24 other Federal department or agency”;

1 (2) in subsection (b)(1)(B)(i), by striking
2 “(a)(2)” and inserting “(a)(1)”;

3 (3) by redesignating subsection (d) as sub-
4 section (e);

5 (4) by inserting after subsection (c) the fol-
6 lowing:

7 “(d) AMENDMENT OF APPROVED PLAN.—

8 “(1) IN GENERAL.—An Indian tribe, or a tribal
9 organization participating in an Indian trust asset
10 management plan on behalf of an Indian tribe under
11 section 203(b)(2) of this title, may propose amend-
12 ments to the Indian trust asset management plan
13 that the Secretary has approved or that is otherwise
14 in effect pursuant to this title

15 “(2) APPLICABLE PROVISIONS.—The Secretary
16 shall review any proposal by an Indian tribe, or a
17 tribal organization administering an Indian trust
18 asset management plan pursuant to section
19 203(b)(2), using the criteria set forth in subsections
20 (b) and (c) of this section.”; and

21 (5) by adding at the end the following:

22 “(f) ELIGIBILITY FOR FUNDING.—An Indian tribe
23 operating under an approved Indian trust asset manage-
24 ment plan shall continue to be eligible for, and shall not
25 be disqualified from receiving, Federal funding to support

1 the Indian tribe’s activities under an approved Indian
2 trust asset management plan, in the same manner and
3 subject to the same considerations as Indian tribes with-
4 out an Indian trust asset management plan.”.

5 (d) TRUST ASSET MANAGEMENT.—Section 205 of
6 the Indian Trust Asset Reform Act (25 U.S.C. 5614) is
7 amended—

8 (1) in subsection (a)—

9 (A) by redesignating paragraphs (2) and
10 (3) as paragraphs (3) and (4) respectively;

11 (B) by inserting after paragraph (1) the
12 following:

13 “(2) FOREST MANAGEMENT PLAN.—The term
14 ‘forest management plan’ has the meaning given the
15 term in Section 304 of the National Indian Forest
16 Resources Management Act of 1990 (25 U.S.C.
17 3103).”; and

18 (C) by adding at the end the following:

19 “(5) TRUST ASSETS.—The term ‘trust assets’
20 means—

21 “(A) trust lands, natural resources, trust
22 funds, or other assets held by the Federal Gov-
23 ernment in trust for Indian tribes and indi-
24 vidual Indians; or

1 “(B) any resource that is, or has pre-
2 viously been, included in an integrated re-
3 sources management plan or other management
4 plan approved by the Secretary.”;

5 (2) in subsection (b)—

6 (A) by striking “carry out” and all that
7 follows through “would require” and inserting
8 “carry out any transaction or activity related to
9 management of that Indian tribe’s trust assets,
10 including, but not limited to, a surface leasing
11 transaction, adoption or amendment of a forest
12 management plan, or forest land management
13 activity without approval of the Secretary, re-
14 gardless of whether the trust asset management
15 transaction or activity would require”;

16 (B) in subparagraph (B)—

17 (i) by striking “with respect to forest”
18 and inserting “with respect to forest man-
19 agement plans and forest”;

20 (ii) in clause (ii)(II)(aa), by striking
21 “the public is” and all that follows through
22 “the proposed” and inserting “interested
23 parties are informed of, and have a reason-
24 able opportunity to comment on a proposed
25 forest management plan, and any signifi-

1 cant environmental impacts of a pro-
2 posed”;

3 (iii) in clause (ii)(II)(bb)—

4 (I) by striking “public com-
5 ments” and inserting “comments from
6 interested parties”; and

7 (II) by striking “forest land” and
8 inserting “forest management plan or
9 forest land”;

10 (3) by amending subsection (c) to read as fol-
11 lows:

12 “(c) TYPES OF TRANSACTIONS.—At the discretion of
13 the applicable Indian tribe, an Indian trust asset manage-
14 ment plan may authorize the Indian tribe to manage any
15 and all of that Indian tribe’s trust assets, and undertake
16 any transactions and activities related thereto, including
17 but not limited to adopting or amending a forest manage-
18 ment plan, carrying out a surface leasing transaction, and
19 carrying out a forest land management activity, and the
20 Secretary shall defer to any such discretionary trust asset
21 management decision by the Indian tribe to the extent
22 such decision is consistent with both the Indian trust asset
23 management plan and this section.”.

24 (4) in subsection (f)—

1 (A) by striking “executes a surface” and
2 all that follows through “pursuant to tribal reg-
3 ulations” and inserting “undertakes an activity
4 or transaction related to a trust asset, pursuant
5 to the Indian tribe’s trust asset management
6 plan and tribal regulations”;

7 (B) in paragraph (1), by striking “the sur-
8 face leasing transaction or forest land manage-
9 ment activity documents” and inserting “activ-
10 ity or transaction documents”; and

11 (C) in paragraph (2), by striking “a sur-
12 face leasing transaction, or forest land manage-
13 ment activities” and inserting “or an activity or
14 transaction related to a trust asset”; and

15 (5) in subsection (g)(1)(A), by striking “the
16 execution of any forest land management activity”
17 and inserting “any activity or transaction related to
18 a trust asset and undertaken by the Indian tribe”.

19 (e) TRUST RESPONSIBILITY.—Section 206(f) of the
20 Indian Trust Asset Reform Act (25 U.S.C. 5615(f)) is
21 amended to read as follows:

22 “(f) TRUST RESPONSIBILITY.—Nothing in this title
23 enhances, diminishes, or otherwise affects the trust re-
24 sponsibility of the United States to Indian tribes.”.