

Summary of Tribal Outreach Responses

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Mailing

- Letter addressed to all Federally Recognized tribes
- Letter addressed to 55 national tribal organizations
- Responses
 - Received three responses from tribes
 - Oglala Sioux Tribe – Pine Ride, SD
 - The Confederated Salish and Kootenai Tribes of the Flathead Nation – Pablo, MT
 - Kaw Nation – Kaw City, OK
 - Submitted through TrustCommission@bia.gov e-mail

Summary – Question 1

Do you have any recommendations to improve or streamline delivery of services of trust beneficiaries? This includes matters related to financial management and accounting functions, as well as natural resource management functions.

- The TAAMS system is inadequate for collections of late and/or delinquent lease payments.
- The publicized BIA streamlining initiative must go beyond balancing an ever declining BIA budget.
- Department to describe in detail the management system as it exist and who in the Department is responsible for these activities.
- Congress must provide substantially more funding in order for the BIA and other agencies to carry out their trust duties.

Summary – Question 2

Are there any other trust administration models the ITC should examine as it looks towards improving the DOI's trust administration and management?

- An expanded role for self-governance should be looked at in the overall review and context of improved trust management, with federal tort claims coverage.
- In December 2004, the Department published a Fiduciary Trust Model – suggest why the 2004 FTM was not implemented or why its implementation was not realized be completed.

Summary – Question 3

Given that the sunset provision in the American Indian Trust Fund Management Reform Act of 1994 was predicated on OST's oversight and reform responsibilities, that the OST now has additional operational duties, should the Commission recommend sun setting the OST?

- The Commission should undertake a critical review of the activities, outcomes, accomplishments and cost of the OST since its inception – to include Tribes and 3rd parties so a meaningful critique of the OST can be made.
- Funds allocated to OST should be re-allocated to improve self-governance and adequately fund trust responsibility functions.
- Successful trust relationship for the future practically depends on ending of the OST.

Summary – Question 4

Do you have any recommendations and/or suggestion that would improve the nation-to-nation relationship between the DOI and the Tribes with respect to trust administration?

- True tribal empowerment would occur if the DOI would identify additional tasks that Tribes could assume under an existing Self-Governance Annual Funding Agreement.
- The Department needs to be more accountable for developing action items resulting from consultation sessions – no real progress will result on the Tribal side of this relationship.
- Congress, in consultation with tribes, should pass a trust duties act which will establish as a matter of law all of the principal duties of the federal government and its agencies in connection with the trust relationship and when carrying out trust obligations to tribes.

Summary – Question 5

Do you have any recommendations to improve or strengthen trust management and or administration based on information gathered in the course of litigation and settlement of the recent tribal breach of trust cases announced in early April of this year.

- TAAMS does not have an active module for collection the assessment of interest and penalties.
- DOI regulations need to be developed to provide authority to seize personal property – failure to obtain compensation for trespass.
- Inadequate funding levels related to forestry and Tribal lands.
- Suggest that a survey of Tribes and individuals that have been involved in the Trust litigation be conducted and a report be generated outlining the process.

Additional Suggestions

- Congress and the Administration should reaffirm and strengthen the continuing trust relationship and make clear that the US is not tending towards another era of termination policy.
- Congress should conduct oversight hearings for the purpose of developing legislation that would provide clear and prompt legal remedies in the federal courts for every wrong committed by the US against a tribe or an individual Indian relating to the trust obligations of the US or the trust property of any tribe or individual.

Location of Outreach Ltr

The May 2012 outreach letter can be found at
www.doi.gov/cobell/commission/index.cfm

Commissioners next steps ...