

Union Calendar No. 426

103D CONGRESS
2D SESSION

H. R. 4833

[Report No. 103-778]

A BILL

To reform the management of Indian Trust Funds,
and for other purposes.

OCTOBER 3, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To reform the management of Indian Trust Funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1994

Mr. RICHARDSON introduced the following bill; which was referred to the
Committee on Natural Resources

OCTOBER 3, 1994

Additional sponsor: Mr. FALEOMAVAEGA

OCTOBER 3, 1994

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 26, 1994]

A BILL

To reform the management of Indian Trust Funds, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—This Act may be cited as the
 3 “American Indian Trust Fund Management Reform Act of
 4 1994”.

5 (b) *TABLE OF CONTENTS.*—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—RECOGNITION OF TRUST RESPONSIBILITY

Sec. 101. Affirmative action required.

*Sec. 102. Responsibility of Secretary to account for the daily and annual bal-
 ances of Indian trust funds.*

Sec. 103. Payment of interest on individual Indian money accounts.

Sec. 104. Authority for payment of claims for interest owed.

TITLE II—INDIAN TRUST FUND MANAGEMENT PROGRAM

Sec. 201. Purpose.

Sec. 202. Voluntary withdrawal from trust funds program.

Sec. 203. Judgment funds.

Sec. 204. Technical assistance.

Sec. 205. Grant program.

Sec. 206. Return of withdrawn funds.

Sec. 207. Savings provision.

Sec. 208. Report to Congress.

Sec. 209. Regulations.

TITLE III—SPECIAL TRUSTEE FOR AMERICAN INDIANS

Sec. 301. Purposes.

Sec. 302. Office of Special Trustee for American Indians.

Sec. 303. Authorities and functions of the special trustee.

Sec. 304. Reconciliation report.

Sec. 305. Staff and consultants.

Sec. 306. Advisory board.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

7 **SEC. 2. DEFINITIONS.**

8 *For the purposes of this Act:*

1 (1) *The term “Special Trustee” means the Spe-*
2 *cial Trustee for American Indians appointed under*
3 *section 302.*

4 (2) *The term “Indian tribe” means any Indian*
5 *tribe, band, nation, or other organized group or com-*
6 *munity, including any Alaska Native village or re-*
7 *gional or village corporation as defined in or estab-*
8 *lished pursuant to the Alaska Native Claims Settle-*
9 *ment Act (85 Stat. 688), which is recognized as eligi-*
10 *ble for the special programs and services provided by*
11 *the United States to Indians because of their status*
12 *as Indians.*

13 (3) *The term “Secretary” means the Secretary of*
14 *the Interior.*

15 (4) *The term “Office” means the Office of Spe-*
16 *cial Trustee for American Indians established by sec-*
17 *tion 302.*

18 (5) *The term “Bureau” means the Bureau of In-*
19 *dian Affairs within the Department of the Interior.*

20 (6) *The term “Department” means the Depart-*
21 *ment of the Interior.*

1 **TITLE I—RECOGNITION OF**
2 **TRUST RESPONSIBILITY**

3 **SEC. 101. AFFIRMATIVE ACTION REQUIRED.**

4 *The first section of the Act of June 24, 1938 (25 U.S.C.*
5 *162a), is amended by adding at the end the following new*
6 *subsection:*

7 “(d) *The Secretary’s proper discharge of the trust re-*
8 *sponsibilities of the United States shall include (but are not*
9 *limited to) the following:*

10 “(1) *Providing adequate systems for accounting*
11 *for and reporting trust fund balances.*

12 “(2) *Providing adequate controls over receipts*
13 *and disbursements.*

14 “(3) *Providing periodic, timely reconciliations to*
15 *assure the accuracy of accounts.*

16 “(4) *Determining accurate cash balances.*

17 “(5) *Preparing and supplying account holders*
18 *with periodic statements of their account performance*
19 *and with balances of their account which shall be*
20 *available on a daily basis.*

21 “(6) *Establishing consistent, written policies and*
22 *procedures for trust fund management and account-*
23 *ing.*

1 “(7) Providing adequate staffing, supervision,
2 and training for trust fund management and ac-
3 counting.

4 “(8) Appropriately managing the natural re-
5 sources located within the boundaries of Indian res-
6 ervations and trust lands.”.

7 **SEC. 102. RESPONSIBILITY OF SECRETARY TO ACCOUNT**
8 **FOR THE DAILY AND ANNUAL BALANCES OF**
9 **INDIAN TRUST FUNDS.**

10 (a) *REQUIREMENT TO ACCOUNT.*—The Secretary shall
11 account for the daily and annual balance of all funds held
12 in trust by the United States for the benefit of an Indian
13 tribe or an individual Indian which are deposited or in-
14 vested pursuant to the Act of June 24, 1938 (25 U.S.C.
15 162a).

16 (b) *PERIODIC STATEMENT OF PERFORMANCE.*—Not
17 later than 20 business days after the close of a calendar
18 quarter, the Secretary shall provide a statement of perform-
19 ance to each Indian tribe and individual with respect to
20 whom funds are deposited or invested pursuant to the Act
21 of June 24, 1938 (25 U.S.C. 162a). The statement, for the
22 period concerned, shall—

23 (1) identify the source, type, and status of the
24 funds;

25 (2) the beginning balance;

1 (3) *the gains and losses;*

2 (4) *receipts and disbursements; and*

3 (5) *the ending balance.*

4 (c) *ANNUAL AUDIT.*—*The Secretary shall cause to be*
5 *conducted an annual audit on a fiscal year basis of all*
6 *funds held in trust by the United States for the benefit of*
7 *an Indian tribe or an individual Indian which are depos-*
8 *ited or invested pursuant to the Act of June 24, 1938 (25*
9 *U.S.C. 162a), and shall include a letter relating to the audit*
10 *in the first statement of performance provided under sub-*
11 *section (b) after the completion of the audit.*

12 **SEC. 103. PAYMENT OF INTEREST ON INDIVIDUAL INDIAN**
13 **MONEY ACCOUNTS.**

14 (a) *PAYMENT OF INTEREST.*—*The first section of the*
15 *Act of February 12, 1929 (25 U.S.C. 161a), is amended—*

16 (1) *by striking out “That all” and inserting in*
17 *lieu thereof “That (a) all”; and*

18 (2) *by adding after subsection (a) (as designated*
19 *by paragraph (1) of this subsection) the following:*

20 *“(b) All funds held in trust by the United States and*
21 *carried in principal accounts on the books of the United*
22 *States Treasury to the credit of individual Indians shall*
23 *be invested by the Secretary of the Treasury, at the request*
24 *of the Secretary of the Interior, in public debt securities*
25 *with maturities suitable to the needs of the fund involved,*

1 *as determined by the Secretary of the Interior, and bearing*
2 *interest at rates determined by the Secretary of the Treas-*
3 *ury, taking into consideration current market yields on out-*
4 *standing marketable obligations of the United States of*
5 *comparable securities.”.*

6 (b) *WITHDRAWAL AUTHORITY.*—*The second sentence of*
7 *the first section of the Act of June 24, 1938 (25 U.S.C.*
8 *162a) is amended by inserting “to withdraw from the Unit-*
9 *ed States Treasury and” after “prescribe.”.*

10 (c) *TECHNICAL CORRECTION.*—*The second subsection*
11 *(b) of the first section of the Act of June 24, 1938 (25 U.S.C.*
12 *162a), as added by section 302 of Public Law 101–644 (104*
13 *Stat. 4667), is hereby redesignated as subsection (c).*

14 (d) *EFFECTIVE DATE.*—*The amendment made by sub-*
15 *section (a) shall apply to interest earned on amounts depos-*
16 *ited or invested on or after the date of the enactment of*
17 *this Act.*

18 **SEC. 104. AUTHORITY FOR PAYMENT OF CLAIMS FOR INTER-**

19 **EST OWED.**

20 *The Secretary shall make payments to an individual*
21 *Indian in full satisfaction of any claim of such individual*
22 *for interest on amounts deposited or invested on behalf of*
23 *such individual before the date of enactment of this Act ret-*
24 *roactive to the date that the Secretary began investing indi-*

1 *vidual Indian monies on a regular basis, to the extent that*
2 *the claim is identified—*

3 *(1) by a the reconciliation process of individual*
4 *Indian money accounts, or*

5 *(2) by the individual and presented to the Sec-*
6 *retary with supporting documentation, and is verified*
7 *by the Secretary pursuant to the Department's policy*
8 *for addressing accountholder losses.*

9 **TITLE II—INDIAN TRUST FUND**
10 **MANAGEMENT PROGRAM**

11 **SEC. 201. PURPOSE.**

12 *The purpose of this title is to allow tribes an oppor-*
13 *tunity to manage tribal funds currently held in trust by*
14 *the United States and managed by the Secretary through*
15 *the Bureau, that, consistent with the trust responsibility of*
16 *the United States and the principles of self-determination,*
17 *will—*

18 *(1) give Indian tribal governments greater con-*
19 *trol over the management of such trust funds; or*

20 *(2) otherwise demonstrate how the principles of*
21 *self-determination can work with respect to the man-*
22 *agement of such trust funds, in a manner consistent*
23 *with the trust responsibility of the United States.*

1 **SEC. 202. VOLUNTARY WITHDRAWAL FROM TRUST FUNDS**
2 **PROGRAM.**

3 (a) *IN GENERAL.*—An Indian tribe may, in accord-
4 ance with this section, submit a plan to withdraw some or
5 all funds held in trust for such tribe by the United States
6 and managed by the Secretary through the Bureau.

7 (b) *APPROVAL OF PLAN.*—The Secretary shall approve
8 such plan within 90 days of receipt and when approving
9 the plan, the Secretary shall obtain the advice of the Special
10 Trustee or prior to the appointment of such Special Trustee,
11 the Director of the Office of Trust Fund Management within
12 the Bureau. Such plan shall meet the following conditions:

13 (1) Such plan has been approved by the appro-
14 priate Indian tribe and is accompanied by a resolu-
15 tion from the tribal governing body approving the
16 plan.

17 (2) The Secretary determines such plan to be
18 reasonable after considering all appropriate factors,
19 including (but not limited to) the following:

20 (A) The capability and experience of the in-
21 dividuals or institutions that will be managing
22 the trust funds.

23 (B) The protection against substantial loss
24 of principal.

25 (c) *DISSOLUTION OF TRUST RESPONSIBILITY.*—Begin-
26 ning on the date funds are withdrawn pursuant to this sec-

1 *tion, any trust responsibility or liability of the United*
2 *States with respect to such funds shall cease.*

3 **SEC. 203. JUDGMENT FUNDS.**

4 *(a) IN GENERAL.—The Secretary is authorized to ap-*
5 *prove plans under section 202 of this title for the with-*
6 *drawal of judgment funds held by the Secretary.*

7 *(b) LIMITATION.—Only such funds held by the Sec-*
8 *retary under the terms of the Indian Judgment Funds Use*
9 *or Distribution Act (25 U.S.C. 1401) or an Act of Congress*
10 *which provides for the secretarial management of such judg-*
11 *ment funds shall be included in such plans.*

12 *(c) SECRETARIAL DUTIES.—In approving such plans,*
13 *the Secretary shall ensure—*

14 *(1) that the purpose and use of the judgment*
15 *funds identified in the previously approved judgment*
16 *fund plan will continue to be followed by the Indian*
17 *tribe in the management of the judgment funds; and*

18 *(2) that only funds held for Indian tribes may*
19 *be withdrawn and that any funds held for individual*
20 *tribal members are not to be included in the plan.*

21 **SEC. 204. TECHNICAL ASSISTANCE.**

22 *The Secretary shall—*

23 *(1) directly or by contract, provide Indian tribes*
24 *with technical assistance in developing, implement-*

1 *ing, and managing Indian trust fund investment*
2 *plans; and*

3 *(2) among other things, ensure that legal, finan-*
4 *cial, and other expertise of the Department of the In-*
5 *terior has been made fully available in an advisory*
6 *capacity to the Indian tribes to assist in the develop-*
7 *ment, implementation, and management of invest-*
8 *ment plans.*

9 **SEC. 205. GRANT PROGRAM.**

10 *(a) GENERAL AUTHORITY.—The Secretary is author-*
11 *ized to award grants to Indian tribes for the purpose of*
12 *developing and implementing plans for the investment of*
13 *Indian tribal trust funds.*

14 *(b) USE OF FUNDS.—The purposes for which funds*
15 *provided under this section may be used include (but are*
16 *not limited to)—*

17 *(1) the training and education of employees re-*
18 *sponsible for monitoring the investment of trust*
19 *funds;*

20 *(2) the building of tribal capacity for the invest-*
21 *ment and management of trust funds;*

22 *(3) the development of a comprehensive tribal in-*
23 *vestment plan;*

24 *(4) the implementation and management of trib-*
25 *al trust fund investment plans; and*

1 (5) such other purposes related to this title that
2 the Secretary deems appropriate.

3 **SEC. 206. RETURN OF WITHDRAWN FUNDS.**

4 Subject to such conditions as the Secretary may pre-
5 scribe, any tribe which has withdrawn trust funds may
6 choose to return any or all of the trust funds it has with-
7 drawn by notifying the Secretary in writing of its intention
8 to return the funds to the control and management of the
9 Secretary.

10 **SEC. 207. SAVINGS PROVISION.**

11 By submitting or approving a plan under this title,
12 neither the tribe nor the Secretary shall be deemed to have
13 accepted the account balance as accurate or to have waived
14 any rights regarding such balance and to seek compensa-
15 tion.

16 **SEC. 208. REPORT TO CONGRESS.**

17 The Secretary shall, beginning one year after the date
18 of the enactment of this Act, submit an annual report to
19 the Committee on Natural Resources of the House of Rep-
20 resentatives and the Committee on Indian Affairs of the
21 Senate on the implementation of programs under this title.
22 Such report shall include recommendations (if any) for
23 changes necessary to better implement the purpose of this
24 title.

1 **SEC. 209. REGULATIONS.**

2 (a) *IN GENERAL.*—Not later than 12 months after the
3 date of enactment of this title, the Secretary shall promul-
4 gate final regulations for the implementation of this title.
5 All regulations promulgated pursuant to this title shall be
6 developed by the Secretary with the full and active partici-
7 pation of the Indian tribes with trust funds held by the
8 Secretary and other affected Indian tribes.

9 (b) *EFFECT.*—The lack of promulgated regulations
10 shall not limit the effect of this title.

11 **TITLE III—SPECIAL TRUSTEE**
12 **FOR AMERICAN INDIANS**

13 **SEC. 301. PURPOSES.**

14 *The purposes of this title are—*

15 (1) *to provide for more effective management of,*
16 *and accountability for the proper discharge of, the*
17 *Secretary's trust responsibilities to Indian tribes and*
18 *individual Indians by establishing in the Department*
19 *of the Interior an Office of Special Trustee for Amer-*
20 *ican Indians to oversee and coordinate reforms within*
21 *the Department of practices relating to the manage-*
22 *ment and discharge of such responsibilities;*

23 (2) *to ensure that reform of such practices in the*
24 *Department is carried out in a unified manner and*
25 *that reforms of the policies, practices, procedures and*
26 *systems of the Bureau, Minerals Management Service,*

1 *and Bureau of Land Management, which carry out*
2 *such trust responsibilities, are effective, consistent,*
3 *and integrated; and*

4 *(3) to ensure the implementation of all reforms*
5 *necessary for the proper discharge of the Secretary's*
6 *trust responsibilities to Indian tribes and individual*
7 *Indians.*

8 **SEC. 302. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN**
9 **INDIANS.**

10 *(a) ESTABLISHMENT.—There is hereby established*
11 *within the Department of the Interior the Office of Special*
12 *Trustee for American Indians. The Office shall be headed*
13 *by the Special Trustee who shall report directly to the*
14 *Secretary.*

15 *(b) SPECIAL TRUSTEE.—*

16 *(1) APPOINTMENT.—The Special Trustee shall be*
17 *appointed by the President, by and with the advice*
18 *and consent of the Senate, from among individuals*
19 *who possess demonstrated ability in general manage-*
20 *ment of large governmental or business entities and*
21 *particular knowledge of trust fund management,*
22 *management of financial institutions, and the invest-*
23 *ment of large sums of money.*

24 *(2) COMPENSATION.—The Special Trustee shall*
25 *be paid at a rate determined by the Secretary to be*

1 *appropriate for the position, but not less than the rate*
2 *of basic pay payable at Level II of the Executive*
3 *Schedule under section 5313 of title 5, United States*
4 *Code.*

5 *(c) TERMINATION OF OFFICE.—*

6 *(1) CONDITIONED UPON IMPLEMENTATION OF*
7 *REFORMS.—The Special Trustee, in proposing a ter-*
8 *mination date under section 303(a)(2)(C), shall en-*
9 *sure continuation of the Office until all reforms iden-*
10 *tified in the strategic plan have been implemented to*
11 *the satisfaction of the Special Trustee.*

12 *(2) 30-DAY NOTICE.—Thirty days prior to the*
13 *termination date proposed in the plan submitted*
14 *under this section, the Special Trustee shall notify the*
15 *Secretary and the Congress in writing of the progress*
16 *in implementing the reforms identified in the plan.*
17 *The Special Trustee, at that time, may recommend*
18 *the continuation, or the permanent establishment, of*
19 *the Office if the Special Trustee concludes that con-*
20 *tinuation or permanent establishment is necessary for*
21 *the efficient discharge of the Secretary's trust respon-*
22 *sibilities.*

23 *(3) TERMINATION DATE.—The Office shall termi-*
24 *nate 180 legislative days after the date on which the*
25 *notice to the Congress under paragraph (2) is pro-*

1 *necessary to ensure the proper and efficient dis-*
2 *charge of the Secretary's trust responsibilities in*
3 *compliance with this Act.*

4 *(B) Provisions for opportunities for Indian*
5 *tribes to assist in the management of their trust*
6 *accounts and to identify for the Secretary op-*
7 *tions for the investment of their trust accounts,*
8 *in a manner consistent with the trust respon-*
9 *sibilities of the Secretary, in ways that will help*
10 *promote economic development in their commu-*
11 *nities.*

12 *(C) A timetable for implementing the re-*
13 *forms identified in the plan, including a date for*
14 *the proposed termination of the Office.*

15 ***(b) DUTIES.—***

16 ***(1) GENERAL OVERSIGHT OF REFORM EF-***
17 ***FORTS.—The Special Trustee shall oversee all reform***
18 ***efforts within the Bureau, the Bureau of Land Man-***
19 ***agement, and the Minerals Management Service relat-***
20 ***ing to the trust responsibilities of the Secretary to en-***
21 ***sure the establishment of policies, procedures, systems***
22 ***and practices to allow the Secretary to discharge his***
23 ***trust responsibilities in compliance with this Act.***

24 ***(2) BUREAU OF INDIAN AFFAIRS.—***

1 (A) *MONITOR RECONCILIATION OF TRUST*
2 *ACCOUNTS.*—*The Special Trustee shall monitor*
3 *the reconciliation of tribal and Individual In-*
4 *Indian Money trust accounts to ensure that the*
5 *Bureau provides the account holders, with a fair*
6 *and accurate accounting of all trust accounts.*

7 (B) *INVESTMENTS.*—*The Special Trustee*
8 *shall ensure that the Bureau establishes appro-*
9 *priate policies and procedures, and develops nec-*
10 *essary systems, that will allow it—*

11 (i) *properly to account for and invest,*
12 *as well as maximize, in a manner consist-*
13 *ent with the statutory restrictions imposed*
14 *on the Secretary's investment options, the*
15 *return on the investment of all trust fund*
16 *monies, and*

17 (ii) *to prepare accurate and timely re-*
18 *ports to account holders (and others, as re-*
19 *quired) on a periodic basis regarding all*
20 *collections, disbursements, investments, and*
21 *return on investments related to their ac-*
22 *counts.*

23 (C) *OWNERSHIP AND LEASE DATA.*—*The*
24 *Special Trustee shall ensure that the Bureau es-*
25 *tablishes policies and practices to maintain com-*

1 *plete, accurate, and timely data regarding the*
2 *ownership and lease of Indian lands.*

3 (3) *BUREAU OF LAND MANAGEMENT.*—*The Spe-*
4 *cial Trustee shall ensure that the Bureau of Land*
5 *Management establishes policies and practices ade-*
6 *quate to enforce compliance with Federal require-*
7 *ments for drilling, production, accountability, envi-*
8 *ronmental protection, and safety with respect to the*
9 *lease of Indian lands.*

10 (4) *MINERALS MANAGEMENT SERVICE.*—*The*
11 *Special Trustee shall ensure that the Minerals Man-*
12 *agement Service establishes policies and practices to*
13 *enforce compliance by lessees of Indian lands with all*
14 *requirements for timely and accurate reporting of*
15 *production and payment of lease royalties and other*
16 *revenues, including the audit of leases to ensure that*
17 *lessees are accurately reporting production levels and*
18 *calculating royalty payments.*

19 (c) *COORDINATION OF POLICIES.*—

20 (1) *IN GENERAL.*—*The Special Trustee shall en-*
21 *sure that—*

22 (A) *the policies, procedures, practices, and*
23 *systems of the Bureau, the Bureau of Land Man-*
24 *agement, and the Minerals Management Service*
25 *related to the discharge of the Secretary's trust*

1 *responsibilities are coordinated, consistent, and*
2 *integrated, and*

3 *(B) the Department prepares comprehensive*
4 *and coordinated written policies and procedures*
5 *for each phase of the trust management business*
6 *cycle.*

7 *(2) STANDARDIZED PROCEDURES.—The Special*
8 *Trustee shall ensure that the Bureau imposes stand-*
9 *ardized trust fund accounting procedures throughout*
10 *the Bureau.*

11 *(3) INTEGRATION OF LEDGER WITH INVESTMENT*
12 *SYSTEM.—The Special Trustee shall ensure that the*
13 *trust fund investment, general ledger, and subsidiary*
14 *accounting systems of the Bureau are integrated and*
15 *that they are adequate to support the trust fund in-*
16 *vestment needs of the Bureau.*

17 *(4) INTEGRATION OF LAND RECORDS, TRUST*
18 *FUNDS ACCOUNTING, AND ASSET MANAGEMENT SYS-*
19 *TEMS AMONG AGENCIES.—The Special Trustee shall*
20 *ensure that—*

21 *(A) the land records system of the Bureau*
22 *interfaces with the trust fund accounting system,*
23 *and*

24 *(B) the asset management systems of the*
25 *Minerals Management Service and the Bureau of*

1 *Land Management interface with the appro-*
2 *priate asset management and accounting systems*
3 *of the Bureau, including ensuring that—*

4 *(i) the Minerals Management Service*
5 *establishes policies and procedures that will*
6 *allow it to properly collect, account for, and*
7 *disburse to the Bureau all royalties and*
8 *other revenues generated by production from*
9 *leases on Indian lands; and*

10 *(ii) the Bureau of Land Management*
11 *and the Bureau provide Indian landholders*
12 *with accurate and timely reports on a peri-*
13 *odic basis that cover all transactions related*
14 *to leases of Indian resources.*

15 (5) *TRUST MANAGEMENT PROGRAM BUDGET.—*

16 (A) *DEVELOPMENT AND SUBMISSION.—The*
17 *Special Trustee shall develop for each fiscal year,*
18 *with the advice of program managers of each of-*
19 *fice within the Bureau of Indian Affairs, Bureau*
20 *of Land Management and Minerals Management*
21 *Service that participates in trust management,*
22 *including the management of trust funds or nat-*
23 *ural resources, or which is charged with any re-*
24 *sponsibility under the comprehensive strategic*
25 *plan prepared under subsection (a) of this sec-*

1 *tion, a consolidated Trust Management program*
2 *budget proposal that would enable the Secretary*
3 *to efficiently and effectively discharge his trust*
4 *responsibilities and to implement the comprehen-*
5 *sive strategic plan, and shall submit such budget*
6 *proposal to the Secretary, the Director of the Of-*
7 *fice of Management and Budget, and to the Con-*
8 *gress.*

9 *(B) DUTY OF CERTAIN PROGRAM MAN-*
10 *AGERS.—Each program manager participating*
11 *in trust management or charged with respon-*
12 *sibilities under the comprehensive strategic plans*
13 *shall transmit his office’s budget request to the*
14 *Special Trustee at the same time as such request*
15 *is submitted to his superiors (and before submis-*
16 *sion to the Office of Management and Budget) in*
17 *the preparation of the budget of the President*
18 *submitted to the Congress under section 1105(a)*
19 *of title 31, United States Code.*

20 *(C) CERTIFICATION OF ADEQUACY OF BUDG-*
21 *ET REQUEST.—The Special Trustee shall—*

22 *(i) review each budget request submit-*
23 *ted under subparagraph (B);*

24 *(ii) certify in writing as to the ade-*
25 *quacy of such request to discharge, effec-*

1 *tively and efficiently, the Secretary's trust*
2 *responsibilities and to implement the com-*
3 *prehensive strategic plan; and*

4 *(iii) notify the program manager of*
5 *the Special Trustee's certification under*
6 *clause (ii).*

7 *(D) MAINTENANCE OF RECORDS.—The Spe-*
8 *cial Trustee shall maintain records of certifi-*
9 *cations made under paragraph (3)(B).*

10 *(E) LIMITATION ON REPROGRAMMING OR*
11 *TRANSFER.—No program manager shall submit,*
12 *and no official of the Department of the Interior*
13 *may approve or otherwise authorize, a*
14 *reprogramming or transfer request with respect*
15 *to any funds appropriated for trust management*
16 *which is included in the Trust Management Pro-*
17 *gram Budget unless such request has been ap-*
18 *proved by the Special Trustee.*

19 *(d) PROBLEM RESOLUTION.—The Special Trustee*
20 *shall provide such guidance as necessary to assist Depart-*
21 *ment personnel in identifying problems and options for re-*
22 *solving problems, and in implementing reforms to Depart-*
23 *ment, Bureau, Bureau of Land Management, and Minerals*
24 *Management Service policies, procedures, systems and prac-*
25 *tices.*

1 (e) *SPECIAL TRUSTEE ACCESS.*—*The Special Trustee,*
2 *and his staff, shall have access to all records, reports, audits,*
3 *reviews, documents, papers, recommendations, files and*
4 *other material, as well as to any officer and employee, of*
5 *the Department and any office or bureau thereof, as the*
6 *Special Trustee deems necessary for the accomplishment of*
7 *his duties under this Act.*

8 (f) *ANNUAL REPORT.*—*The Special Trustee shall report*
9 *to the Secretary and the Committee on Natural Resources*
10 *of the House of Representatives and the Committee on In-*
11 *dian Affairs of the Senate each year on the progress of the*
12 *Department, the Bureau, the Bureau of Land Management,*
13 *and the Minerals Management Service in implementing the*
14 *reforms identified in the comprehensive strategic plan*
15 *under subsection (a)(1) and in meeting the timetable estab-*
16 *lished in the strategic plan under subsection (a)(2)(C).*

17 **SEC. 304. RECONCILIATION REPORT.**

18 *The Secretary shall transmit to the Committee on Nat-*
19 *ural Resources of the House of Representatives and the*
20 *Committee on Indian Affairs of the Senate, by May 31,*
21 *1996, a report identifying for each tribal trust fund account*
22 *for which the Secretary is responsible a balance reconciled*
23 *as of September 30, 1995. In carrying out this section, the*
24 *Secretary shall consult with the Special Trustee. The report*
25 *shall include—*

1 (1) a description of the Secretary's methodology
2 in reconciling trust fund accounts;

3 (2) attestations by each account holder that—

4 (A) the Secretary has provided the account
5 holder with as full and complete accounting as
6 possible of the account holder's funds to the earli-
7 est possible date, and that the account holder ac-
8 cepts the balance as reconciled by the Secretary;
9 or

10 (B) the account holder disputes the balance
11 of the account holder's account as reconciled by
12 the Secretary and statement explaining why the
13 account holder disputes the Secretary's reconciled
14 balance; and

15 (3) a statement by the Secretary with regard to
16 each account balance disputed by the account holder
17 outlining efforts the Secretary will undertake to re-
18 solve the dispute.

19 **SEC. 305. STAFF AND CONSULTANTS.**

20 (a) *STAFF.*—The Special Trustee may employ such
21 staff as the Special Trustee deems necessary. The Special
22 Trustee may request staff assistance from within the De-
23 partment and any office or Bureau thereof as the Special
24 Trustee deems necessary.

1 (b) *CONTRACTS.*—*To the extent and in such amounts*
2 *as may be provided in advance by appropriations Acts, the*
3 *Special Trustee may enter into contracts and other ar-*
4 *rangements with public agencies and with private persons*
5 *and organizations for consulting services and make such*
6 *payments as necessary to carry out the provisions of this*
7 *title.*

8 **SEC. 306. ADVISORY BOARD.**

9 (a) *ESTABLISHMENT AND MEMBERSHIP.*—*Notwith-*
10 *standing any other provision of law, the Special Trustee*
11 *shall establish an advisory board to provide advice on all*
12 *matters within the jurisdiction of the Special Trustee. The*
13 *advisory board shall consist of nine members, appointed by*
14 *the Special Trustee after consultation with Indian tribes*
15 *and appropriate Indian organizations, of which—*

16 (1) *five members shall represent trust fund ac-*
17 *count holders, including both tribal and Individual*
18 *Indian Money accounts;*

19 (2) *two members shall have practical experience*
20 *in trust fund and financial management;*

21 (3) *one member shall have practical experience*
22 *in fiduciary investment management; and*

23 (4) *one member, from academia, shall have*
24 *knowledge of general management of large organiza-*
25 *tions.*

1 (b) *TERM.*—*Each member shall serve a term of two*
2 *years.*

3 (c) *FACA.*—*The advisory board shall not be subject*
4 *to the Federal Advisory Committee Act.*

5 (d) *TERMINATION.*—*The Advisory Board shall termi-*
6 *nate upon termination of the Office of Special Trustee.*

7 ***TITLE IV—AUTHORIZATION OF***
8 ***APPROPRIATIONS***

9 ***SEC. 401. AUTHORIZATION OF APPROPRIATIONS.***

10 *There is authorized to be appropriated such sums as*
11 *may be necessary to carry out the provisions of this Act.*

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