

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4833

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IN THE SENATE OF THE UNITED STATES

OCTOBER 4 (legislative day, SEPTEMBER 12), 1994

Received

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## AN ACT

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,*

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

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

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 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 Return of withdrawn funds.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.

3 **SEC. 2. DEFINITIONS.**

4 For the purposes of this Act:

5 (1) The term “Special Trustee” means the Spe-  
 6 cial Trustee for American Indians appointed under  
 7 section 302.

8 (2) The term “Indian tribe” means any Indian  
 9 tribe, band, nation, or other organized group or com-  
 10 munity, including any Alaska Native village or re-

1 regional or village corporation as defined in or estab-  
2 lished pursuant to the Alaska Native Claims Settle-  
3 ment Act (85 Stat. 688), which is recognized as eli-  
4 gible for the special programs and services provided  
5 by the United States to Indians because of their sta-  
6 tus as Indians.

7 (3) The term “Secretary” means the Secretary  
8 of the Interior.

9 (4) The term “Office” means the Office of Spe-  
10 cial Trustee for American Indians established by  
11 section 302.

12 (5) The term “Bureau” means the Bureau of  
13 Indian Affairs within the Department of the Inte-  
14 rior.

15 (6) The term “Department” means the Depart-  
16 ment of the Interior.

17 **TITLE I—RECOGNITION OF**  
18 **TRUST RESPONSIBILITY**

19 **SEC. 101. AFFIRMATIVE ACTION REQUIRED.**

20 The first section of the Act of June 24, 1938 (25  
21 U.S.C. 162a), is amended by adding at the end the follow-  
22 ing new subsection:

23 “(d) The Secretary’s proper discharge of the trust re-  
24 sponsibilities of the United States shall include (but are  
25 not limited to) the following:

1           “(1) Providing adequate systems for accounting  
2 for and reporting trust fund balances.

3           “(2) Providing adequate controls over receipts  
4 and disbursements.

5           “(3) Providing periodic, timely reconciliations  
6 to assure the accuracy of accounts.

7           “(4) Determining accurate cash balances.

8           “(5) Preparing and supplying account holders  
9 with periodic statements of their account perform-  
10 ance and with balances of their account which shall  
11 be available on a daily basis.

12           “(6) Establishing consistent, written policies  
13 and procedures for trust fund management and ac-  
14 counting.

15           “(7) Providing adequate staffing, supervision,  
16 and training for trust fund management and ac-  
17 counting.

18           “(8) Appropriately managing the natural re-  
19 sources located within the boundaries of Indian res-  
20 ervations and trust lands.”.

21 **SEC. 102. RESPONSIBILITY OF SECRETARY TO ACCOUNT**  
22 **FOR THE DAILY AND ANNUAL BALANCES OF**  
23 **INDIAN TRUST FUNDS.**

24 (a) REQUIREMENT TO ACCOUNT.—The Secretary  
25 shall account for the daily and annual balance of all funds

1 held in trust by the United States for the benefit of an  
2 Indian tribe or an individual Indian which are deposited  
3 or invested pursuant to the Act of June 24, 1938 (25  
4 U.S.C. 162a).

5 (b) PERIODIC STATEMENT OF PERFORMANCE.—Not  
6 later than 20 business days after the close of a calendar  
7 quarter, the Secretary shall provide a statement of per-  
8 formance to each Indian tribe and individual with respect  
9 to whom funds are deposited or invested pursuant to the  
10 Act of June 24, 1938 (25 U.S.C. 162a). The statement,  
11 for the period concerned, shall identify—

- 12 (1) the source, type, and status of the funds;
- 13 (2) the beginning balance;
- 14 (3) the gains and losses;
- 15 (4) receipts and disbursements; and
- 16 (5) the ending balance.

17 (c) ANNUAL AUDIT.—The Secretary shall cause to be  
18 conducted an annual audit on a fiscal year basis of all  
19 funds held in trust by the United States for the benefit  
20 of an Indian tribe or an individual Indian which are depos-  
21 ited or invested pursuant to the Act of June 24, 1938 (25  
22 U.S.C. 162a), and shall include a letter relating to the  
23 audit in the first statement of performance provided under  
24 subsection (b) after the completion of the audit.

1 **SEC. 103. PAYMENT OF INTEREST ON INDIVIDUAL INDIAN**  
2 **MONEY ACCOUNTS.**

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

5 (1) by striking out “That all” and inserting in  
6 lieu thereof “That (a) all”; and

7 (2) by adding after subsection (a) (as des-  
8 ignated by paragraph (1) of this subsection) the fol-  
9 lowing:

10 “(b) All funds held in trust by the United States and  
11 carried in principal accounts on the books of the United  
12 States Treasury to the credit of individual Indians shall  
13 be invested by the Secretary of the Treasury, at the re-  
14 quest of the Secretary of the Interior, in public debt secu-  
15 rities with maturities suitable to the needs of the fund in-  
16 volved, as determined by the Secretary of the Interior, and  
17 bearing interest at rates determined by the Secretary of  
18 the Treasury, taking into consideration current market  
19 yields on outstanding marketable obligations of the United  
20 States of comparable securities.”.

21 (b) WITHDRAWAL AUTHORITY.—The second sen-  
22 tence of subsection (a) of the first section of the Act of  
23 June 24, 1938 (25 U.S.C. 162a) is amended by inserting  
24 “to withdraw from the United States Treasury and” after  
25 “prescribe,”.

1 (c) TECHNICAL CORRECTION.—The second sub-  
2 section (b) of the first section of the Act of June 24, 1938  
3 (25 U.S.C. 162a), as added by section 302 of Public Law  
4 101–644 (104 Stat. 4667), is hereby redesignated as sub-  
5 section (c).

6 (d) EFFECTIVE DATE.—The amendment made by  
7 subsection (a) shall apply to interest earned on amounts  
8 deposited or invested on or after the date of the enactment  
9 of this Act.

10 **SEC. 104. AUTHORITY FOR PAYMENT OF CLAIMS FOR IN-**  
11 **TEREST OWED.**

12 The Secretary shall make payments to an individual  
13 Indian in full satisfaction of any claim of such individual  
14 for interest on amounts deposited or invested on behalf  
15 of such individual before the date of enactment of this Act  
16 retroactive to the date that the Secretary began investing  
17 individual Indian monies on a regular basis, to the extent  
18 that the claim is identified—

19 (1) by a reconciliation process of individual In-  
20 dian money accounts, or

21 (2) by the individual and presented to the Sec-  
22 retary with supporting documentation, and is veri-  
23 fied by the Secretary pursuant to the Department’s  
24 policy for addressing accountholder losses.

1     **TITLE II—INDIAN TRUST FUND**  
2             **MANAGEMENT PROGRAM**

3     **SEC. 201. PURPOSE.**

4             The purpose of this title is to allow tribes an oppor-  
5 tunity to manage tribal funds currently held in trust by  
6 the United States and managed by the Secretary through  
7 the Bureau, that, consistent with the trust responsibility  
8 of the United States and the principles of self-determina-  
9 tion, will—

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

12            (2) otherwise demonstrate how the principles of  
13 self-determination can work with respect to the man-  
14 agement of such trust funds, in a manner consistent  
15 with the trust responsibility of the United States.

16     **SEC. 202. VOLUNTARY WITHDRAWAL FROM TRUST FUNDS**  
17             **PROGRAM.**

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

22            (b) APPROVAL OF PLAN.—The Secretary shall ap-  
23 prove such plan within 90 days of receipt and when ap-  
24 proving the plan, the Secretary shall obtain the advice of  
25 the Special Trustee or prior to the appointment of such



1 Special Trustee, the Director of the Office of Trust Fund  
2 Management within the Bureau. Such plan shall meet the  
3 following conditions:

4 (1) Such plan has been approved by the appro-  
5 priate Indian tribe and is accompanied by a resolu-  
6 tion from the tribal governing body approving the  
7 plan.

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

11 (A) The capability and experience of the  
12 individuals or institutions that will be managing  
13 the trust funds.

14 (B) The protection against substantial loss  
15 of principal.

16 (c) DISSOLUTION OF TRUST RESPONSIBILITY.—Be-  
17 ginning on the date funds are withdrawn pursuant to this  
18 section, any trust responsibility or liability of the United  
19 States with respect to such funds shall cease except as  
20 provided for in section 207 of this title.

21 **SEC. 203. JUDGMENT FUNDS.**

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

1 (b) LIMITATION.—Only such funds held by the Sec-  
2 retary under the terms of the Indian Judgment Funds Use  
3 or Distribution Act (25 U.S.C. 1401) or an Act of Con-  
4 gress which provides for the secretarial management of  
5 such judgment funds shall be included in such plans.

6 (c) SECRETARIAL DUTIES.—In approving such plans,  
7 the Secretary shall ensure—

8 (1) that the purpose and use of the judgment  
9 funds identified in the previously approved judgment  
10 fund plan will continue to be followed by the Indian  
11 tribe in the management of the judgment funds; and

12 (2) that only funds held for Indian tribes may  
13 be withdrawn and that any funds held for individual  
14 tribal members are not to be included in the plan.

15 **SEC. 204. TECHNICAL ASSISTANCE.**

16 The Secretary shall—

17 (1) directly or by contract, provide Indian tribes  
18 with technical assistance in developing, implement-  
19 ing, and managing Indian trust fund investment  
20 plans; and

21 (2) among other things, ensure that legal, fi-  
22 nancial, and other expertise of the Department of  
23 the Interior has been made fully available in an advi-  
24 sory capacity to the Indian tribes to assist in the de-

1        velopment, implementation, and management of in-  
2        vestment plans.

3        **SEC. 205. GRANT PROGRAM.**

4        (a) GENERAL AUTHORITY.—The Secretary is author-  
5        ized to award grants to Indian tribes for the purpose of  
6        developing and implementing plans for the investment of  
7        Indian tribal trust funds.

8        (b) USE OF FUNDS.—The purposes for which funds  
9        provided under this section may be used include (but are  
10       not limited to)—

11            (1) the training and education of employees re-  
12            sponsible for monitoring the investment of trust  
13            funds;

14            (2) the building of tribal capacity for the invest-  
15            ment and management of trust funds;

16            (3) the development of a comprehensive tribal  
17            investment plan;

18            (4) the implementation and management of  
19            tribal trust fund investment plans; and

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

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

23        Subject to such conditions as the Secretary may pre-  
24        scribe, any Indian tribe which has withdrawn trust funds  
25        may choose to return any or all of the trust funds such

1 tribe has withdrawn by notifying the Secretary in writing  
2 of its intention to return the funds to the control and man-  
3 agement of the Secretary.

4 **SEC. 207. SAVINGS PROVISION.**

5 By submitting or approving a plan under this title,  
6 neither the tribe nor the Secretary shall be deemed to have  
7 accepted the account balance as accurate or to have  
8 waived any rights regarding such balance and to seek com-  
9 pensation.

10 **SEC. 208. REPORT TO CONGRESS.**

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

19 **SEC. 209. REGULATIONS.**

20 (a) IN GENERAL.—Not later than 12 months after  
21 the date of enactment of this title, the Secretary shall pro-  
22 mulgate final regulations for the implementation of this  
23 title. All regulations promulgated pursuant to this title  
24 shall be developed by the Secretary with the full and active

1 participation of the Indian tribes with trust funds held by  
2 the Secretary and other affected Indian tribes.

3 (b) EFFECT.—The lack of promulgated regulations  
4 shall not limit the effect of this title.

5 **TITLE III—SPECIAL TRUSTEE**  
6 **FOR AMERICAN INDIANS**

7 **SEC. 301. PURPOSES.**

8 The purposes of this title are—

9 (1) to provide for more effective management  
10 of, and accountability for the proper discharge of,  
11 the Secretary's trust responsibilities to Indian tribes  
12 and individual Indians by establishing in the Depart-  
13 ment of the Interior an Office of Special Trustee for  
14 American Indians to oversee and coordinate reforms  
15 within the Department of practices relating to the  
16 management and discharge of such responsibilities;

17 (2) to ensure that reform of such practices in  
18 the Department is carried out in a unified manner  
19 and that reforms of the policies, practices, proce-  
20 dures and systems of the Bureau, Minerals Manage-  
21 ment Service, and Bureau of Land Management,  
22 which carry out such trust responsibilities, are effec-  
23 tive, consistent, and integrated; and

24 (3) to ensure the implementation of all reforms  
25 necessary for the proper discharge of the Secretary's

1 trust responsibilities to Indian tribes and individual  
2 Indians.

3 **SEC. 302. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN**  
4 **INDIANS.**

5 (a) ESTABLISHMENT.—There is hereby established  
6 within the Department of the Interior the Office of Special  
7 Trustee for American Indians. The Office shall be headed  
8 by the Special Trustee who shall report directly to the Sec-  
9 retary.

10 (b) SPECIAL TRUSTEE.—

11 (1) APPOINTMENT.—The Special Trustee shall  
12 be appointed by the President, by and with the ad-  
13 vice and consent of the Senate, from among individ-  
14 uals who possess demonstrated ability in general  
15 management of large governmental or business enti-  
16 ties and particular knowledge of trust fund manage-  
17 ment, management of financial institutions, and the  
18 investment of large sums of money.

19 (2) COMPENSATION.—The Special Trustee shall  
20 be paid at a rate determined by the Secretary to be  
21 appropriate for the position, but not less than the  
22 rate of basic pay payable at Level II of the Execu-  
23 tive Schedule under section 5313 of title 5, United  
24 States Code.

25 (c) TERMINATION OF OFFICE.—

1           (1) CONDITIONED UPON IMPLEMENTATION OF  
2 REFORMS.—The Special Trustee, in proposing a ter-  
3 mination date under section 303(a)(2)(C), shall en-  
4 sure continuation of the Office until all reforms  
5 identified in the strategic plan have been imple-  
6 mented to the satisfaction of the Special Trustee.

7           (2) 30-DAY NOTICE.—Thirty days prior to the  
8 termination date proposed in the plan submitted  
9 under this section, the Special Trustee shall notify  
10 the Secretary and the Congress in writing of the  
11 progress in implementing the reforms identified in  
12 the plan. The Special Trustee, at that time, may  
13 recommend the continuation, or the permanent es-  
14 tablishment, of the Office if the Special Trustee con-  
15 cludes that continuation or permanent establishment  
16 is necessary for the efficient discharge of the Sec-  
17 retary’s trust responsibilities.

18           (3) TERMINATION DATE.—The Office shall ter-  
19 minate 180 legislative days after the date on which  
20 the notice to the Congress under paragraph (2) is  
21 provided, unless the Congress extends the authorities  
22 of the Special Trustee. For the purposes of this ses-  
23 sion, a legislative day is a day on which either House  
24 of the Congress is in session.

1 **SEC. 303. AUTHORITIES AND FUNCTIONS OF THE SPECIAL**  
2 **TRUSTEE.**

3 (a) COMPREHENSIVE STRATEGIC PLAN.—

4 (1) IN GENERAL.—The Special Trustee shall  
5 prepare and, after consultation with Indian tribes  
6 and appropriate Indian organizations, submit to the  
7 Secretary and the Committee on Natural Resources  
8 of the House of Representatives and the Committee  
9 on Indian Affairs of the Senate, within one year  
10 after the initial appointment is made under section  
11 302(b), a comprehensive strategic plan for all phases  
12 of the trust management business cycle that will en-  
13 sure proper and efficient discharge of the Sec-  
14 retary's trust responsibilities to Indian tribes and in-  
15 dividual Indians in compliance with this Act.

16 (2) PLAN REQUIREMENTS.—The plan prepared  
17 under paragraph (1) shall include the following:

18 (A) Identification of all reforms to the poli-  
19 cies, procedures, practices and systems of the  
20 Department, the Bureau, the Bureau of Land  
21 Management, and the Minerals Management  
22 Service necessary to ensure the proper and effi-  
23 cient discharge of the Secretary's trust respon-  
24 sibilities in compliance with this Act.

25 (B) Provisions for opportunities for Indian  
26 tribes to assist in the management of their



1 trust accounts and to identify for the Secretary  
2 options for the investment of their trust ac-  
3 counts, in a manner consistent with the trust  
4 responsibilities of the Secretary, in ways that  
5 will help promote economic development in their  
6 communities.

7 (C) A timetable for implementing the re-  
8 forms identified in the plan, including a date  
9 for the proposed termination of the Office.

10 (b) DUTIES.—

11 (1) GENERAL OVERSIGHT OF REFORM EF-  
12 FORTS.—The Special Trustee shall oversee all re-  
13 form efforts within the Bureau, the Bureau of Land  
14 Management, and the Minerals Management Service  
15 relating to the trust responsibilities of the Secretary  
16 to ensure the establishment of policies, procedures,  
17 systems and practices to allow the Secretary to dis-  
18 charge his trust responsibilities in compliance with  
19 this Act.

20 (2) BUREAU OF INDIAN AFFAIRS.—

21 (A) MONITOR RECONCILIATION OF TRUST  
22 ACCOUNTS.—The Special Trustee shall monitor  
23 the reconciliation of tribal and Individual In-  
24 dian Money trust accounts to ensure that the  
25 Bureau provides the account holders, with a

1 fair and accurate accounting of all trust ac-  
2 counts.

3 (B) INVESTMENTS.—The Special Trustee  
4 shall ensure that the Bureau establishes appro-  
5 priate policies and procedures, and develops  
6 necessary systems, that will allow it—

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

13 (ii) to prepare accurate and timely re-  
14 ports to account holders (and others, as re-  
15 quired) on a periodic basis regarding all  
16 collections, disbursements, investments,  
17 and return on investments related to their  
18 accounts.

19 (C) OWNERSHIP AND LEASE DATA.—The  
20 Special Trustee shall ensure that the Bureau  
21 establishes policies and practices to maintain  
22 complete, accurate, and timely data regarding  
23 the ownership and lease of Indian lands.

24 (3) BUREAU OF LAND MANAGEMENT.—The  
25 Special Trustee shall ensure that the Bureau of

1 Land Management establishes policies and practices  
2 adequate to enforce compliance with Federal re-  
3 quirements for drilling, production, accountability,  
4 environmental protection, and safety with respect to  
5 the lease of Indian lands.

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

15 (c) COORDINATION OF POLICIES.—

16 (1) IN GENERAL.—The Special Trustee shall  
17 ensure that—

18 (A) the policies, procedures, practices, and  
19 systems of the Bureau, the Bureau of Land  
20 Management, and the Minerals Management  
21 Service related to the discharge of the Sec-  
22 retary's trust responsibilities are coordinated,  
23 consistent, and integrated, and

24 (B) the Department prepares comprehen-  
25 sive and coordinated written policies and proce-

1           dures for each phase of the trust management  
2           business cycle.

3           (2) STANDARDIZED PROCEDURES.—The Special  
4           Trustee shall ensure that the Bureau imposes stand-  
5           ardized trust fund accounting procedures throughout  
6           the Bureau.

7           (3) INTEGRATION OF LEDGER WITH INVEST-  
8           MENT SYSTEM.—The Special Trustee shall ensure  
9           that the trust fund investment, general ledger, and  
10          subsidiary accounting systems of the Bureau are in-  
11          tegrated and that they are adequate to support the  
12          trust fund investment needs of the Bureau.

13          (4) INTEGRATION OF LAND RECORDS, TRUST  
14          FUNDS ACCOUNTING, AND ASSET MANAGEMENT SYS-  
15          TEMS AMONG AGENCIES.—The Special Trustee shall  
16          ensure that—

17                 (A) the land records system of the Bureau  
18                 interfaces with the trust fund accounting sys-  
19                 tem, and

20                 (B) the asset management systems of the  
21                 Minerals Management Service and the Bureau  
22                 of Land Management interface with the appro-  
23                 priate asset management and accounting sys-  
24                 tems of the Bureau, including ensuring that—

1 (i) the Minerals Management Service  
2 establishes policies and procedures that  
3 will allow it to properly collect, account for,  
4 and disburse to the Bureau all royalties  
5 and other revenues generated by produc-  
6 tion from leases on Indian lands; and

7 (ii) the Bureau of Land Management  
8 and the Bureau provide Indian landholders  
9 with accurate and timely reports on a peri-  
10 odic basis that cover all transactions relat-  
11 ed to leases of Indian resources.

12 (5) TRUST MANAGEMENT PROGRAM BUDGET.—

13 (A) DEVELOPMENT AND SUBMISSION.—

14 The Special Trustee shall develop for each fiscal  
15 year, with the advice of program managers of  
16 each office within the Bureau of Indian Affairs,  
17 Bureau of Land Management and Minerals  
18 Management Service that participates in trust  
19 management, including the management of  
20 trust funds or natural resources, or which is  
21 charged with any responsibility under the com-  
22 prehensive strategic plan prepared under sub-  
23 section (a) of this section, a consolidated Trust  
24 Management program budget proposal that  
25 would enable the Secretary to efficiently and ef-

1           fectively discharge his trust responsibilities and  
2           to implement the comprehensive strategic plan,  
3           and shall submit such budget proposal to the  
4           Secretary, the Director of the Office of Manage-  
5           ment and Budget, and to the Congress.

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

17          (C) CERTIFICATION OF ADEQUACY OF  
18          BUDGET REQUEST.—The Special Trustee  
19          shall—

20                   (i) review each budget request submit-  
21                   ted under subparagraph (B);

22                   (ii) certify in writing as to the ade-  
23                   quacy of such request to discharge, effec-  
24                   tively and efficiently, the Secretary’s trust

1 responsibilities and to implement the com-  
2 prehensive strategic plan; and

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

6 (D) MAINTENANCE OF RECORDS.—The  
7 Special Trustee shall maintain records of cer-  
8 tifications made under paragraph (3)(B).

9 (E) LIMITATION ON REPROGRAMMING OR  
10 TRANSFER.—No program manager shall sub-  
11 mit, and no official of the Department of the  
12 Interior may approve or otherwise authorize, a  
13 reprogramming or transfer request with respect  
14 to any funds appropriated for trust manage-  
15 ment which is included in the Trust Manage-  
16 ment Program Budget unless such request has  
17 been approved by the Special Trustee.

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

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

8       (f) ANNUAL REPORT.—The Special Trustee shall re-  
9 port to the Secretary and the Committee on Natural Re-  
10 sources of the House of Representatives and the Commit-  
11 tee on Indian Affairs of the Senate each year on the  
12 progress of the Department, the Bureau, the Bureau of  
13 Land Management, and the Minerals Management Service  
14 in implementing the reforms identified in the comprehen-  
15 sive strategic plan under subsection (a)(1) and in meeting  
16 the timetable established in the strategic plan under sub-  
17 section (a)(2)(C).

18 **SEC. 304. RECONCILIATION REPORT.**

19       The Secretary shall transmit to the Committee on  
20 Natural Resources of the House of Representatives and  
21 the Committee on Indian Affairs of the Senate, by May  
22 31, 1996, a report identifying for each tribal trust fund  
23 account for which the Secretary is responsible a balance  
24 reconciled as of September 30, 1995. In carrying out this



1 section, the Secretary shall consult with the Special Trust-  
2 ee. The report shall include—

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

5 (2) attestations by each account holder that—

6 (A) the Secretary has provided the account  
7 holder with as full and complete accounting as  
8 possible of the account holder's funds to the  
9 earliest possible date, and that the account  
10 holder accepts the balance as reconciled by the  
11 Secretary; or

12 (B) the account holder disputes the bal-  
13 ance of the account holder's account as rec-  
14 onciled by the Secretary and statement explain-  
15 ing why the account holder disputes the Sec-  
16 retary's reconciled balance; and

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

21 **SEC. 305. STAFF AND CONSULTANTS.**

22 (a) STAFF.—The Special Trustee may employ such  
23 staff as the Special Trustee deems necessary. The Special  
24 Trustee may request staff assistance from within the De-

1 partment and any office or Bureau thereof as the Special  
2 Trustee deems necessary.

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

10 **SEC. 306. ADVISORY BOARD.**

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

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

21 (2) two members shall have practical experience  
22 in trust fund and financial management;

23 (3) one member shall have practical experience  
24 in fiduciary investment management; and

1 (4) one member, from academia, shall have  
2 knowledge of general management of large organiza-  
3 tions.

4 (b) TERM.—Each member shall serve a term of two  
5 years.

6 (c) FACA.—The advisory board shall not be subject  
7 to the Federal Advisory Committee Act.

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

10 **TITLE IV—AUTHORIZATION OF**  
11 **APPROPRIATIONS**

12 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated such sums as  
14 may be necessary to carry out the provisions of this Act.

Passed the House of Representatives October 3,  
1994.

Attest: DONNALD K. ANDERSON,  
*Clerk.*

HR 4833—2