

103^D CONGRESS
2^D SESSION

H. R. 4833

IN THE SENATE OF THE UNITED STATES

OCTOBER 4 (legislative day, SEPTEMBER 12), 1994

Received

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 Return of withdrawn funds.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

