

# Congress of the United States

Washington, DC 20515

July 12, 2002

The Honorable David Dreier  
Chairman  
House Rules Committee  
H-312 U.S. Capitol  
Washington, D.C. 20515

The Honorable Martin Frost  
Ranking Member  
House Rules Committee  
H-152 U.S. Capitol  
Washington, D.C. 20515

Dear Chairman Dreier and Ranking Member Frost:

As Co-chairs of the Congressional Native American Caucus, we are writing to express our strong opposition to provisions included in the FY 2003 Interior Appropriations bill that relate to establishing a Commission on Native American Policy, trust fund reform efforts and the Cobell v. Norton litigation. These provisions violate House rule XXI, which prohibits legislating on appropriations measures. During Rules Committee consideration of the Interior Appropriations bill, we urge the committee not to protect these provisions so that we will have the opportunity during floor debate to raise a point of order and thus strike the language within the bill.

The House Appropriations Committee accepted by voice vote an amendment to the Interior Appropriations bill that authorizes the Commission on Native American Policy to address several areas relating to Indian gaming examined recently by the National Gambling Impact Study Commission. In 1996, Congress authorized \$5 million to fund the study. Congress should not appropriate additional funds to duplicate a recent report on the same subject matter. In addition, provisions similar to the amendment are included in H.R. 2244, a bill pending in the House Resources Committee, the committee of jurisdiction.

Included in the Interior bill are several provisions relating to trust reform efforts and the Cobell v. Norton litigation at page 50, lines 8-22, page 65, lines 9-24, and page 66, lines 1-18. These legislative provisions will limit an historical accounting of trust funds from the period of 1985 to 2000 which will assume all records before 1985 are correct and in addition would not provide an accounting for funds held in an account closed as of December 31, 2000, require the disclosure of a court sealed document possibly subjecting officials of the Department of Interior to contempt of court charges, restrict the compensation of court appointed officials, order the appointment of a new advisory board overseeing trust reform efforts, and authorize the Department of Interior to pay current and former employees private legal fees associated with the Cobell v. Norton litigation. While we appreciate the concerns of the appropriators of the ongoing litigation and its impact on trust management reform efforts, these provisions only serve to undermine existing federal law requiring a full accounting of all trust funds and a federal court decision requiring an accounting of all funds regardless of the date deposited.

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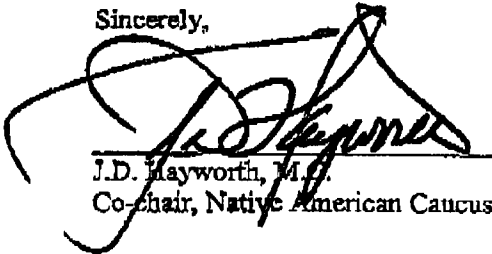
The Resources Committee has taken many steps over the course of several years to reform the management of trust funds for individual Indians and tribes. These steps have been necessary because the federal government, under Democratic and Republican leadership, has done a poor job maintaining trust fund records since it first began managing trust funds in the late 1800s.

Modern reform efforts led by the Resources Committee began when Congress passed the Trust Reform Act of 1994. We led the committee's task force on Indian trust fund management in 1996, the outcome of which was that the committee held four hearings on the issue. On February 6, 2002, the committee held a hearing on Indian trust fund accounts. During that hearing, the committee expressed its intent to work with all interested parties in developing a thoughtful and participatory solution to reform the management of trust funds. It is our belief that a legislative solution to this complex problem should be the product of the Resources Committee, rather than the appropriators.

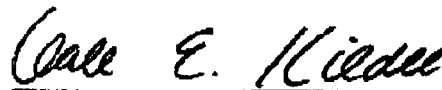
By not protecting these provisions, we will have the opportunity to offer an amendment during the floor debate to strike the language in the bill. Striking these provisions will allow the committee of jurisdiction, the Resources Committee, to address these matters completely.

Thank you for your consideration of our request.

Sincerely,



J.D. Mayworth, M.C.  
Co-chair, Native American Caucus



Dale E. Kildee, M.C.  
Co-chair, Native American Caucus