

# *InterTribal Monitoring Association*



February 22, 2005



# *Who is ITMA?...*

Intertribal Monitoring Association on Indian Trust Funds (ITMA):

- ❖ is a national intertribal Association composed of 63 federally recognized Indian Tribes.
- ❖ was created in 1990, to monitor federal government's efforts in relation to tribal trust funds and keep Congress, tribal and individual trust fund account holders fully informed of trust-related activities.
- ❖ serves as the national clearinghouse and information center for all Indian tribes in the country on trust related issues.

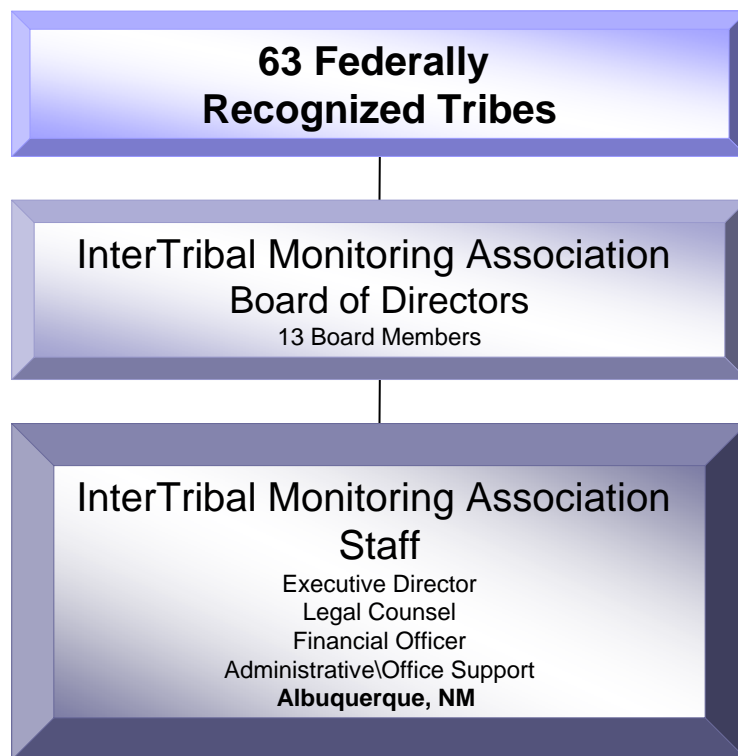


# *Mission...*

- ❖ To focus on trust fund and asset management initiatives as developed by tribal participants.
- ❖ Monitor the Federal government's trust reform efforts including:
  - Trust policies and regulations
  - Legislation
  - Litigation efforts
- ❖ To provide a forum for tribal consultation on trust related issues.
- ❖ To provide increased education for Tribes and individuals on trust related issues.
- ❖ Monitor the Federal Government to assure its adherence to its legally obligated responsibilities to Indian Tribes and individuals.
- ❖ Encourage Tribes and individuals to control and manage their own trust funds and assets.



# *ITMA Organization*



*ITMA's  
OHTA Cooperative Agreement*





## *ITMA's TTFS Project Objective*

- ❖ To achieve a fair and workable process for determining agreed-upon balances in Tribal trust accounts which Tribes and DOI could use to reach timely settlements of, and payments to, Tribal trust accounts.



# *ITMA's TTFS Project Cooperative Agreement Requirements*

- ❖ Participation is entirely voluntary and can be terminated at any time by any Tribe.
- ❖ **NO** Tribe is ever obligated, by participating in the project, to reach a settlement.
- ❖ The project Agreement can be terminated with notice at any time by either ITMA or the DOI.



# *Background...*

- ❖ ITMA played a critical role in the Passage of 1994 Trust Reform Act
- ❖ DOI Commissions “Arthur Anderson Tribal Trust Reconciliation Project” (AATTRP)
  - Conduct an “*accounting audit*” of all Tribal trust accounts during the period of 1972 to 1992
- ❖ Tribes provided with summaries of “AATTRP” in 1996
- ❖ DOI developed legislation, in April 1998, proposing a process for settling trust funds mismanagement claims. (HR 3782)
- ❖ ITMA and Tribal leaders objected to proposed process
- ❖ ITMA drafted counter-legislation in August 1998 (HR 4485)



# *Background (Continue) . . .*

- ❖ HR 4485 fails, primarily due to DOI opposition
- ❖ Tribes file lawsuits beginning in 2001 to preserve tolling of Statute of Limitations for challenging AATTRP
- ❖ Extension of tolling of Statute of Limitations
- ❖ DOI approached ITMA in 2002 about developing a process to settle Tribal trust funds mismanagement claims
- ❖ DOI/ITMA jointly developed trust policy principles for any tribal trust account settlement.
- ❖ ITMA Tribal membership directs ITMA to continue working with DOI on Tribal Settlement Initiative, October 2003.

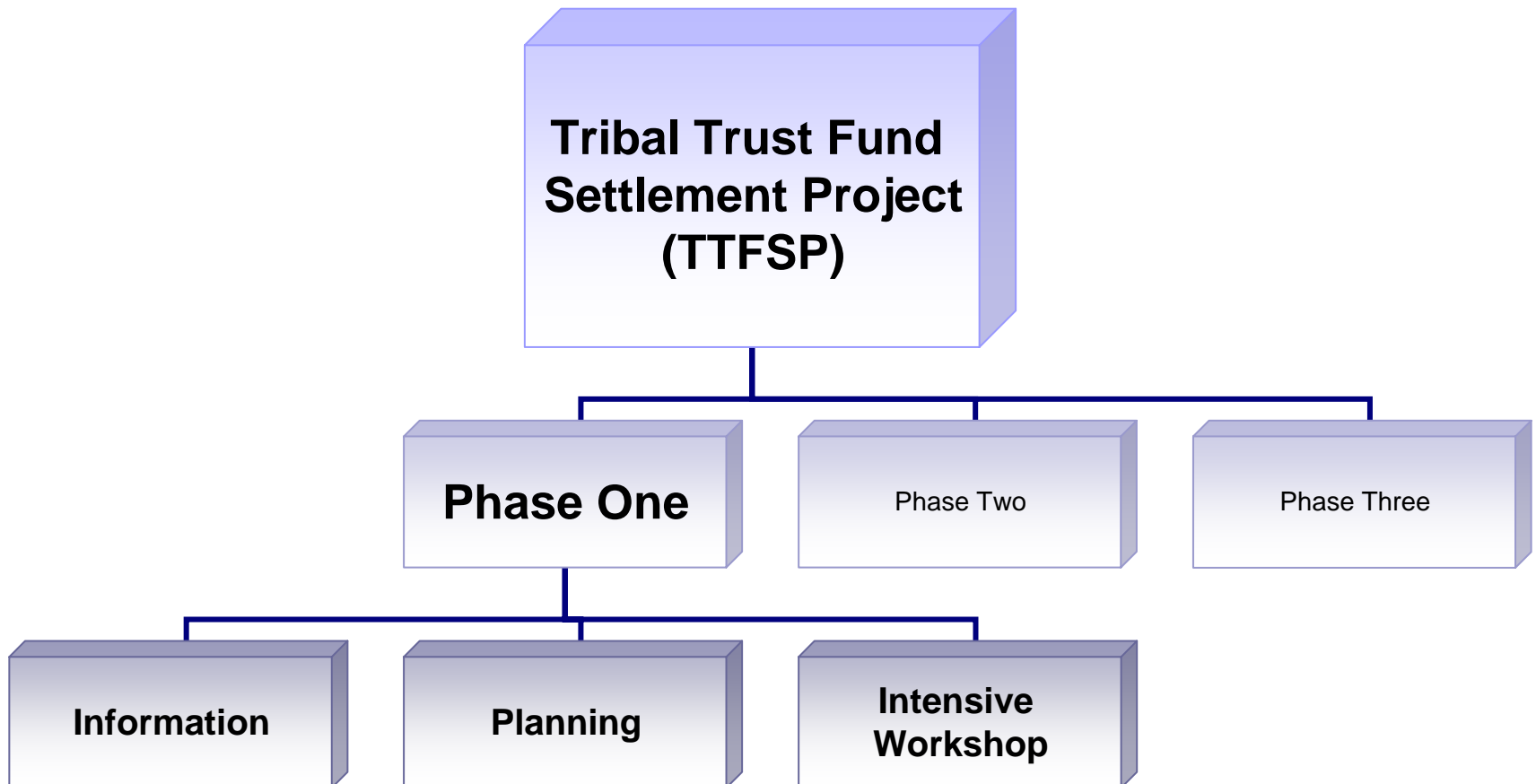


# *Project developments...*

- ❖ DOI approaches ITMA again in early FY 2004 to resume Tribal settlement process
- ❖ ITMA Board establishes a Tribal Settlement Advisory group to assist staff
- ❖ Advisory group and federal representatives meet to discuss a major effort to settle Tribal trust funds account balances based on Arthur Anderson's review of 1972 to 1992 records
- ❖ Advisory group recommends to ITMA Board that ITMA Staff have lead role in managing the project
- ❖ ITMA Board directs staff to develop proposed ITMA/DOI Tribal Trust Fund Settlement Cooperative Agreement and budget
- ❖ Cooperative Agreement finalized on December 6, 2004.

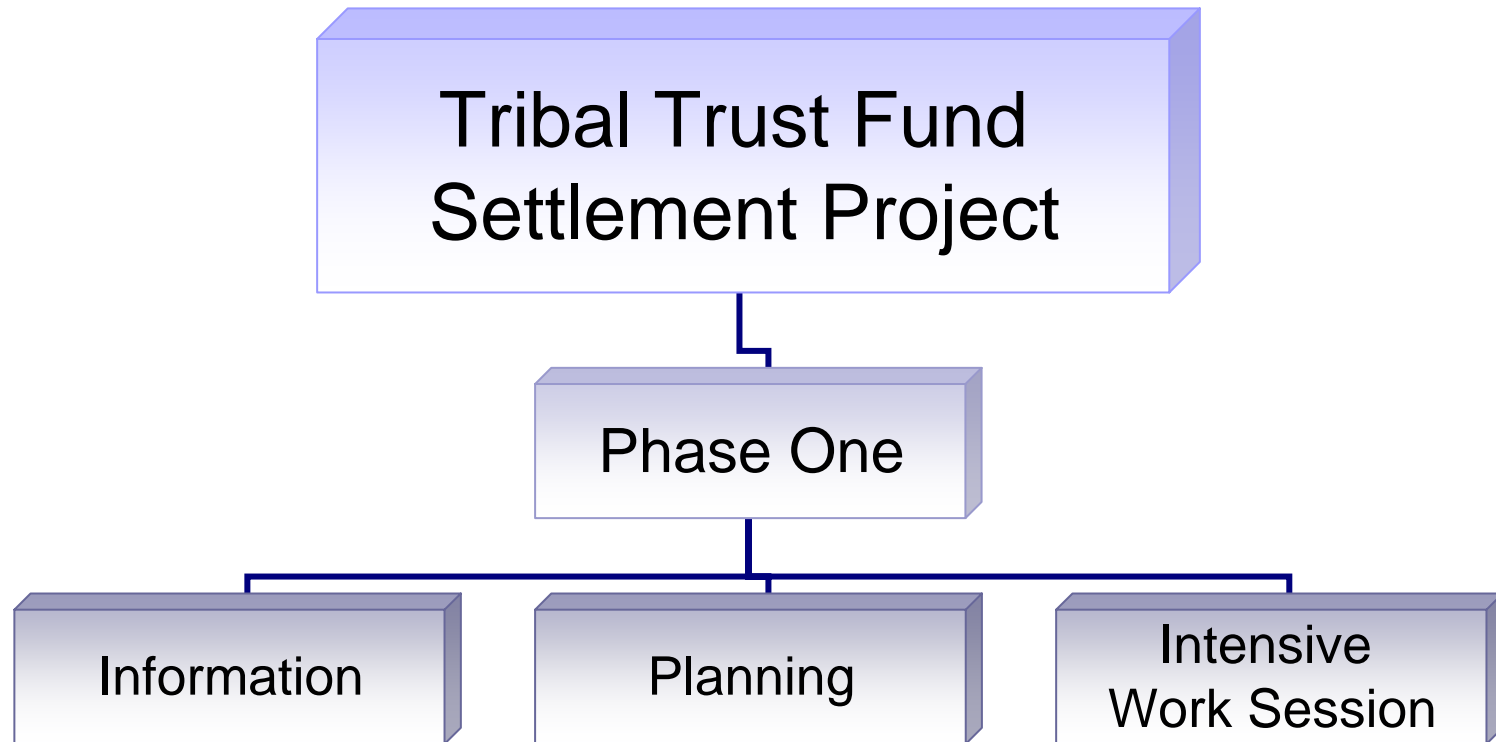


# *ITMA's TTFS Project Structure*





# *Phase One - Project Structure*



## ❖ Goal

- To develop a methodology for reviewing Tribal trust account balances of self-selected "Participating Tribes"

# *Phase One – Session Description*



## **Information**

- ❖ Provide written background information on the project to all Tribes
- ❖ Host informational session for all interested Tribes to explain the project
- ❖ Identify a committed Advisory Group of at least five “Participating Tribes” and their trust account experts
- ❖ Provide Participating Tribes with technical assistance and funding for their trust experts, in preparation for the next session

# *Phase One – Session Description*



## **Planning**

- ❖ Conduct a session for Participating Tribes and their experts in preparation of a week-long intensive work session

# *Phase One – Session Description*



## **Intensive Work Session**

- ❖ Conduct a week-long intensive work session to reach an agreement on methodology for achieving agreed-upon balances in trust accounts.
  
- ❖ Participants will include:
  - ITMA staff and trust experts
  
  - Phase One Tribal representatives and experts
  
  - DOI representatives and experts



# *Phase One – Project Timeline*

❖ Following signing of Agreement (**December**),  
ITMA in:

➤ **December to February 2005**

➤ Will provide written background information/follow-up contacts with Tribes about the Project and upcoming Informational Meeting.

➤ **October 27<sup>th</sup> to 29<sup>th</sup>**

➤ Will host an Informational session as part of ITMA Annual Conference.



# *Phase One – Project Timeline*

## ➤ **March 2005**

- Will identify self-selected workgroup of Phase One Participating Tribes and their trust experts.

## ➤ **March- June 2005**

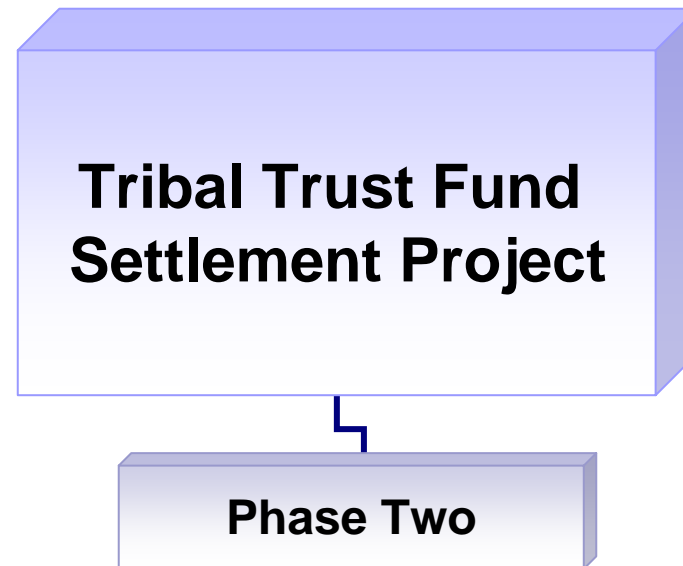
- Provide Participating Tribes with technical assistance and funding for experts
- Conduct planning session for Phase One Participating Tribes

## ➤ **July-September 2005**

- Conduct week-long intensive work session
- Report on outcome of work session to all Tribes and assist DOI in updating and increasing awareness of Congress/federal agencies on progress of project
- If project reaches agreement between Tribes/DOI on methodology, develop subsequent funding mechanism for support of Phase Two efforts



# *Phase Two – Project Structure*



## ❖ Goal

- To apply the methodology to specific Tribal trust accounts of self-selected “Participating Tribes” for 1972-92 period



# *Phase Two – Session Description*

- ❖ Develop a schedule for work of Phase Two participating Tribes
- ❖ Assist the Tribes and their trust experts in application of the methodology agreed upon on Phase One, to specific Tribal Trust Accounts
- ❖ Assist Tribes in receiving amounts to fund the agreed-upon settlements, if any are reached, from the “Judgment Fund.”



# *Phase Two - Project Timeline*

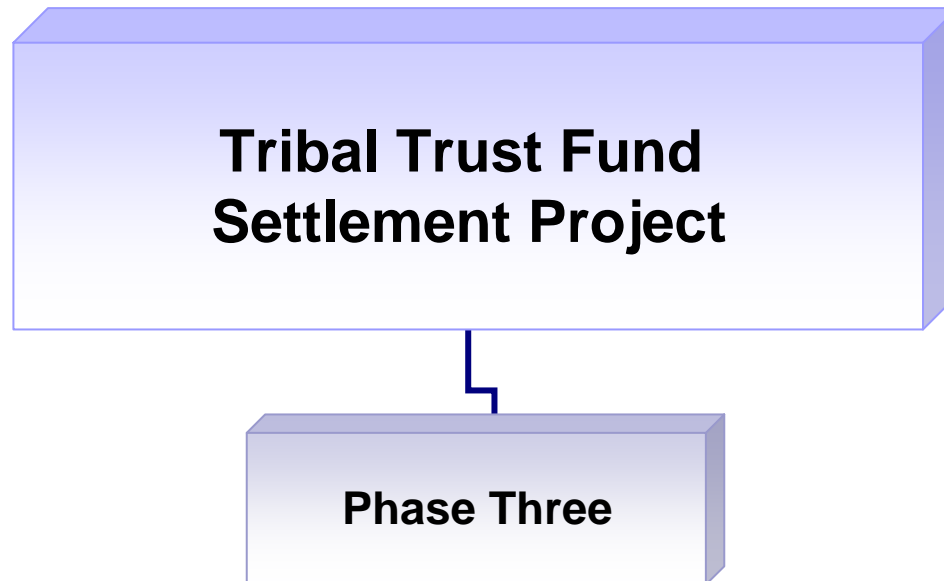
❖ Following approval to move forward to Phase Two, ITMA in:

➤ **October 2005 - Forward**

- Will develop a schedule for meetings and work sessions with Phase Two Participating Tribes
- Will assist Phase Two Participating Tribes and their trust experts in the application of the methodology to specific Tribal trust accounts.
- Will assist Tribes in receiving amounts to fund agreed upon settlements, if any are reached, from the Judgment Fund



# *Phase Three – Project Structure*



## ❖ Goal

- If Phase Two is successful in reaching and funding agreed-upon settlements for any Phase Two Participating Tribes, develop a “Phase Three” plan for assisting other interested Tribes in using the project process to reach and receive funding for agreed-upon settlements in their Tribal trust fund accounts.