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April 26, 2005

Senator John McCain
Chairman
Senate Committee on Indian Affairs
836 Hart Senate Office Building
Washington, D.C. 20510

Attn: Mr. David Mullon
Senior Counsel to the Senate Committee on Indian Affairs

Ms. Jeanne Bumpus
Majority Staff Director, Senate Committee on Indian Affairs

Re: Draft Proposal for Legislation on Trust Reform

Dear Sen. McCain:

In light of your strong interest in the development of trust reform legislation during your Chairmanship of the Senate Committee on Indian Affairs (SCIA), several of our tribal clients have requested that our firm prepare and provide you with a draft of a proposal to advance discussion on this critical issue. The proposed legislation we attach with this letter builds upon the solid principles contained in the bills you have previously introduced on this subject, including Senate Bill S. 1459. The attached proposal also builds upon the proposal of the Northwest Tribes and California Trust Reform Consortium Tribes, which was presented to your Committee as part of the Lummi Tribe's testimony on March 9, 2005 ("the NW proposal").

The NW proposal and S. 1459 incorporate many of the concepts that tribal advocates have identified as key elements necessary to address the Department of the Interior's (DOI) deficiencies in managing the trust responsibility to Indian tribes (and to individual Indians). The attached proposal adopts and adds to the principles of the NW proposal and S. 1459 to reflect the wide interests of tribes – which are geographically diverse, whose trust assets involve differing types and quantities of resources, and who choose to manage those trust assets in distinct ways (through direct service, self-determination contracts, or pursuant to self-governance agreements). The proposal is intended as a flexible tribal alternative to the "one size fits all" approach that the Secretary of the Interior has promoted.

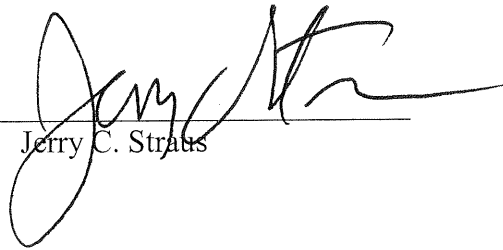
This proposed legislation has been developed with the support, guidance and collaboration of the United Southern and Eastern Tribes (USET) executive director and with full support of the Chairman of the Cheyenne River Sioux Tribe. We are in the process of getting additional input from tribes and are optimistic that others will formally endorse the bill or some variation of it in the coming days. We expect that other tribes will recommend additional changes through the course of the legislative process as well as the process underway with the Tribal Trust Reform Legislation Work Group.

We appreciate the opportunity we had to discuss this proposal with Mr. Mullen and Ms. Bumpus and look forward to working with you and your staff in advancing this crucial matter. If you have questions regarding this material, please contact me, Jennifer Romero, or Michael Willis at (202)822-8282.

Sincerely,

Hobbs, Straus, Dean & Walker, LLP

By: _____



Jerry C. Straus

attachments